EAST INDIA (EMERGENCY MEASURES)

Measures taken to counteract the Civil Disobedience Movement and to deal with the Terrorist Movement in Bengal. Ordinances Nos. II to V of 1932 with official statements and correspondence relative thereto and Ordinances Nos. IX and XI of 1931

Presented by the Secretary of State for India to Parliament
by Command of His Majesty,
February, 1932

LONDON:
PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.
To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
15, Donegall Square West, Belfast;
or through any Bookseller.

1932

Price 1s. 6d. net

Cmd. 4014.

TABLE OF CONTENTS.

I.—Action taken to counteract the Civil Disobedience Movement,

PAGE

Statement issued by the Government of the United Provinces on the 14th December, 1931 3

Statement issued by the Chief Commissioner of the North West Frontier Province on the 24th December, 1931 20

Statement issued by the Chief Commissioner of the North West Frontier Province on the 30th December, 1931 24

Correspondence between the Viceroy and Mr. Gandhi, 29th December, 1931—3rd January, 1932 46

Statement issued by the Government of India on the 4th January, 1932 ... 55

Emergency Powers Ordinance, 1932 (II of 1932) 60

Unlawful Instigation Ordinance, 1932 (III of 1932) 75

Unlawful Association Ordinance, 1932 (IV of 1932) 77

Prevention of Molestation and Boycott Ordinance, 1932 (V of 1932) ... 81

II.—Special Measures taken to deal with the Terrorist Movement in Bengal.

Bengal Criminal Law Amendment Ordinance, 1931 (IX of 1931) 85

Bengal Emergency Powers Ordinance, 1931 (XI of 1931) 86

Digitized with financial assistance from

H T Parekh FOUNDATION

An Initiative by HDFC WITH YOU, RIGHT THROUGH

on 10 January, 2019

EAST INDIA (EMERGENCY MEASURES).

1. ACTION TAKEN TO COUNTERACT THE CIVIL DISOBEDIENCE MOVEMENT.

Statement issued by the Government of the United Provinces on the 14th December, 1931, regarding the No-Rent Campaign.

1. In connection with the initiation of a no-rent campaign in certain districts of the United Provinces, the Congress has attempted to represent this action as due to the unreasonable attitude of Government and to disclaim responsibility for a course which it admits to be fraught with grave danger to the peace of the country. In these circumstances, the Government of the United Provinces consider that it is due to themselves and to the public that the facts should be made known so that the responsibility may be properly assigned.

2. During the course of the Civil Disobedience movement of 1930 a no-rent and no-revenue campaign had been vigorously preached as a political measure by Congress adherents in certain districts of the province. The Delhi Agreement was concluded on 5th March, 1931; and it might have been hoped that this would ensure an end of attempts to stimulate an agrarian agitation. But a week had not passed before Congress gave clear proofs that it did not intend to allow the Agreement which specifically provided for the effective discontinuance of the movement for the non-payment of land revenue and rent, to impair any advantage which it might have gained by preaching such campaigns. By this time the general fall in prices had made the payment of rents a serious and increasing difficulty for tenants; and Congress decided to exploit the situation to the full. There was however from the first hardly any attempt to conceal the real motive which lay at the back of this activity. The All-India Congress Committee, under the signature of Pandit Jawahar Lal Nehru, issued on 10th March, a circular to Provincial Congress organisations including the Provincial Committee of the United Provinces, of which the following is an extract :—

> " It is vitally necessary that you should take immediate steps to consolidate the position gained by the Congress during the last year and to strengthen it still further. The immediate action to be taken is to send out our workers, those who have been discharged from jails and others, to the villages to explain exactly what has been done in Delhi, further to see that there is no harassment or oppression of any kind in the rural areas."
>
> " If we now establish firmly definite centres of work and activity in rural areas we shall strengthen our organisation and prepare the people for any contingency that might arise. I need

not tell you that the provisional settlement at Delhi means a truce only and no final peace. That peace can only come when we have gained our objective in its entirety."

The same point was made in a message issued by Pandit Jawahar Lal to workers in Rae Bareli (the centre of the no-rent campaign) two days afterwards :—

"Rae Bareli has done a lot, still more is expected from Rae Bareli. Our peace is still far away. The more our strength increases the sooner we will have real peace and this is only possible when we obtain '*purna* (complete) *swaraj*'—I therefore hope that all tenant brethren will understand what has been done and what still remains to be done."

A local Congress official explained somewhat more fully the manner in which Congress intended to meet what must have appeared to tenants the incongruity of professing to abandon a no-rent campaign, while at the same time continuing to champion the cause of tenants :—

"Tenants can ask why Mahatma Gandhi stopped civil disobedience while rent was not reduced by one-half or why the struggle was brought to an end while *purna swaraj* was not obtained. But our countrymen, especially tenants, should never forget that Mahatma Gandhi and the Congress can never sit quietly until *purna swaraj* is obtained and the difficulties and troubles of tenants removed. We will continue our efforts to obtain *purna swaraj*."

"Up till now we told tenants not to pay rent until *purna swaraj* was obtained, but now that the Government is prepared to discuss matters about *purna swaraj* it is only fair that we should say that the payment of rent should now not be stopped. It is therefore the order of Mahatma Gandhi that payment of rent should not be stopped. But some tenants will say, how can they pay their rent on account of the low prices of grain. For this, Government has agreed to suspend rent where necessary under the ordinary rules of land revenue administration. No doubt owing to the low prices of grain it is impossible to pay rent in full at present. How can a tenant manage to pay? For this, tenants should send applications to the Congress office, and the Congress workers will see the zamindars, talukdars and deputy commissioners and try to get the rent suspended, remitted or reduced."

3. During the course of the month Government received many evidences of the direction which the movement was now taking. The Collector of Allahabad reported numerous meetings in which, while there was no longer advocacy of non-payment of rent as a political measure, tenants were advised to pay only such reduced amounts as they felt able to afford, and to meet the demands of landlords only if the latter registered agreements in the Congress office to accept less than their full rents. The Congress Committee of Fatehpur was informed by the Provincial Committee that "here

we have decided about the *kisans* that if the zamindars and Government are willing to give receipts to occupancy and statutory tenants by taking from them annas 8 and annas 6, respectively, the tenants should pay the rent. If they are not willing to do so on account of the present cheap rates you can tell the *kisans* to withhold the rent till some settlement is made." From Muttra the Collector reported that Congress had already made some progress in a concrete effort to establish its position as an intermediary between the peasants and Government. A Congress tahsildar had been appointed, and in one part of the district a Congress police station established; in another part a Congress court had been set up. " Villagers are being urged to take their cases before this court instead of before the ordinary courts, and are informed that, if any one is dissatisfied with the decision of the court, a representative from the Congress at Muttra will come out and settle the dispute." By the middle of April it became obvious that Congress was pursuing a definite policy of which the objects were :—

(*a*) to consolidate and extend Congress influence in rural areas in preparation " for any contingency that might arise," the settlement being regarded as a truce only;

(*b*) to intervene between Government and landowners in regard to the payment of land revenue and between the landlord and the tenant in regard to the payment of rent; and in effect to carry on with an ultimate political purpose, under the cloak of the relief of economic distress, a campaign against the payment of land revenue and rent;

(*c*) to establish institutions parallel to those of Government where conditions were favourable.

4. It may be well at this stage to explain briefly the nature of the agrarian situation as it then stood in the United Provinces. The rural system is in the main one of landlord and tenant; it is not of course the fact that the whole area is possessed by large zamindars, for it is calculated that there are about 1,200,000 proprietors who are themselves, in the main, self-cultivating; but the greater part of the 35 million acres of agricultural land in the province is cultivated by tenants paying rent to landlords. The total number of tenants is calculated as between five and six millions. Ninety-five per cent. of these rents are on a cash basis. As far back as history goes, cash rents have predominated, and the tendency during the last two generations has been to substitute cash rents for produce rents. Rentals have been fixed by a process of bargaining between landlord and tenant; they are not, that is, determined by Government agency, and in effect the operations of Settlement officers are limited to ascertaining the incidence of rents actually paid as a basis for the assessment of land revenue. The efforts of the State have lain rather in the direction of securing and safeguarding equitable terms of tenure for cultivators, than of intervening in the fixation of rents. For these

purposes only, the State has intervened since 1859 to limit the power of the landlord to raise rents. As a result of tenant legislation, 67 per cent. of the tenants in Agra province have now obtained a hereditary status and 16 per cent. a life status; 71 per cent. of the tenants in Oudh have now a life status and 8 per cent. a hereditary status. Rents can only be increased at stated intervals of 20 years in the case of Agra and 10 years in the case of Oudh, and the law sets a limit to the proportion by which rents previously paid can be increased on such occasions. Now if cultivators had held their land under a system similar to that which applies, for instance, to most tenures in the Punjab, under which rent consists of a stated part of the produce, or if they had held merely on yearly tenures, the process of adjustment to a heavy fall in prices would either have been automatic or could have been achieved by a process which presented no great difficulty. But great difficulty was clearly involved where the majority of this large mass of tenantry held at cash rents on permanent or life tenures, for the abandonment of a tenancy in order to secure a reduction of money rentals meant the sacrifice of valuable rights. Nor was it possible to hope that over an area so large and with such an infinite variation in the pitch of competitive rentals, any speedy solution could be found by a voluntary abandonment of rent by landlords themselves. Combined action was hardly possible, and if individual landlords had attempted adjustments, local inequalities of treatment would in any case have proved a fruitful source of trouble. It was clear, therefore, that some general solution had to be attempted by outside authority. Congress leaders, as has been seen, had begun by advising tenants to pay what they could afford, advice which was hardly likely to be appreciated by tenants who only recently had been told by the same persons that they should pay no rent at all. Realising, no doubt, that this was an untenable position, Congress leaders subsequently concentrated on a demand that rents should be reduced by a standard figure throughout the province. Originally (as in the case of Fatehpur, cited above) there was to be a reduction of 10 annas in the rupee for "statutory" (i.e., life) tenants and 8 annas in the rupee for occupancy tenants; ultimately the reduction advocated was 8 annas for statutory tenants and 4 annas for occupancy tenants. The precise method by which this figure was calculated is uncertain; it was professedly based on the estimated fall in prices. But it is clear that no such sweeping generalisation could meet the needs of the situation. The fall in the pitch of prices has varied greatly in different districts of the province, for the position of a district in which the predominant crop is wheat differs greatly from that of one which grows large areas of sugar. Again, there are areas where rents have remained stationary for over two generations; and side by side with them there are tenancies in which competition has forced up rents in full proportion to the rise in prices. It is easy to be liberal at the expense of others. Whatever may

have been the actual sympathy felt by Congress leaders for tenants, their desire to gain political influence clearly outweighed any sense of equity towards the position of landlords. Government had its own difficulty in arriving at a solution. As has been shown, rents had not been fixed by State agency, and the law made no definite provision for the general reduction of rents; the statute merely contained a provision that where owing to any calamity the State remitted revenue, the revenue payer, i.e., the landlord, should make a proportionate reduction in rents. The operation was of a novel kind, and on a vast scale; it was complicated by the fact that in the early part of the year it was still uncertain whether the sudden rise in prices might not be followed by as sudden a recovery. The solution adopted by Government was to announce at the end of March a remission of land revenue for the *rabi* (spring) harvest which would result in the reduction of rentals to about the level of 1915. This, when subsequently worked out in detail, and including some remissions granted on account of crop failure, involved a remission of 75 lakhs in revenue and a consequent reduction of 207 lakhs in rents. Water-rates to the amount of 15 lakhs were also remitted.

5. With this explanation, the narrative can now be resumed. In the course of April, proofs continued to accumulate that the activities of the Congress, reacting on an economic situation already charged with great difficulties, had produced a state of affairs which not only threatened general disorder, but contained a serious menace to the maintenance of the Delhi settlement. The ordinary processes issued by the revenue courts were being executed with great difficulty and were frequently accompanied by rioting. Crops attached on judicial decrees were forcibly removed; there were many cases of intimidation, either by violence or by social boycott, directed against tenants who paid rent. Allahabad district reported cases of the burning of crops of tenants who had paid up their dues. At Soraon (Allahabad) a zamindar collecting rent was attacked, and two of his servants murdered; at Phulpur in the same district and at Mawai in Bara Banki zamindars themselves were murdered. The police were attacked while investigating ordinary crime. It is unnecessary to multiply instances; it is enough to say that there was abundant evidence of the growing spirit of lawlessness in many districts of the province, and it is clear that this result was largely due to the fact that considerable numbers of volunteers were working in the villages, spreading contempt of authority, sowing dissension between landlords and tenants, and generally pursuing the policy of Congress concentration in rural areas which had been laid down in their circular of 10th March.

6. In these circumstances the Government of India thought it proper to inform Mr. Gandhi of the danger of the position created by these activities of Congress. It was explained to him that the

Government of India and the local Government were fully aware of the difficulties of the agrarian situation, that it was their desire to give adequate remissions of land revenue and to spare no effort in securing adequate remissions of rent; that it was not the intention of the local Government to attempt to collect revenue in excess of the capacity of the land revenue payers; and that they would do all that was possible to discourage and prevent harsh treatment to tenants by landlords. Their task was being complicated by the activities of Congress organisations and workers who, in breach of the settlement, were in effect carrying on a no-revenue and no-rent campaign. Specific instances were brought to Mr. Gandhi's notice and it was made clear that in the opinion of Government the continued interference by Congress in the agrarian situation could not fail to produce very grave conditions. He was informed that Government proposed to take what measures were possible under the ordinary law to deal with the situation, and that it was to be apprehended that if this action proved to be inadequate, it might be necessary for the local Government to recommend to the Government of India special measures to meet developments as they occurred. It was specifically stated that Government were most anxious to avoid, if possible, action of this character which would necessarily prejudice the maintenance of the settlement. The gravity of the situation was again explained at length to Mr. Gandhi when he visited Simla in the middle of May and also when he saw the Governor of the United Provinces at Naini Tal. After discussion with the latter, Mr. Gandhi addressed on 23rd May a manifesto to the cultivators of the United Provinces. The manifesto was sent to His Excellency the Governor before issue, but Sir Malcolm Hailey was obliged to inform Mr. Gandhi that he was unable to associate himself with it. There were parts which he welcomed, such as the disclaimer of any intention to advocate non-payment of taxes, the assertion that the aim of Congress was not to injure zamindars and the advice given to tenants to avoid any form of violence. But Mr. Gandhi, who could himself in his short visit to the United Provinces have made but the most cursory study of the intricacies of the rental problem, had adopted the views expressed by local leaders, and committed himself to the following advice to tenants :—

> " Concentrated work was done in the following among other districts—Agra, Mutra, Allahabad, Rae Bareli, Gorakhpur, Cawnpore, Lucknow, Partabgarh and Etawah. And for these it has been found that there should be a remission for the year 1338 Fasli of 8 annas in the rupee in the case of statutory and non-occupancy tenants and 4 annas in the case of occupancy tenants. This general formula should be subject to variation as may be required by local conditions."
>
> " I have been told that in some districts the tenants are in a position to do with less reduction. Some districts again were

hard hit by local calamities. The suggested reduction would naturally therefore not apply to the districts that might be able to pay more than what is suggested here not to those whose condition may be under the level found in the foregoing districts. Indeed, even in the districts mentioned those of you who are able to pay more ought to do so. The Congress expects every tenant to pay as early as possible all the rent he can, and in no case as a general rule less than 8 annas or 4 annas* as the case may be. But just as even in the same district there may be cases in which a larger payment is possible, it is equally possible that there may be cases in which less than 8 annas or 4* annas can only be paid. In such cases I hope the tenants will be treated liberally by the zamindars."

But the chief mischief of the manifesto lay in its assumption that Congress was an authority competent to decide what rents should or should not be paid, to adjudicate disputes between landlords and tenants, and to receive complaints against the former lodged by the latter.

7. The result of this manifesto was further to complicate the situation. In at least two districts Congress organizations issued the advice given by Mr. Gandhi without any suggestion that it had not the approval of Government, and generally the rates which he had suggested as a minimum were regarded as a maximum. Committees of inquiry were appointed by Congress; in some places blank forms were distributed among tenants by Congress workers with the object of obtaining statements as to their inability to pay rent; Congress organizations acted as agencies for the receipt of petitions and in some cases attempted to act as agencies for the collection of rents, thus intervening directly between the landlord and the tenant; meetings continued to be held all over the province, and the general effect of the speeches was to encourage tenants to pay less rent than they were able and to create unfriendly relations between the cultivating and landowning classes. Throughout June and July the spirit of lawlessness and resistance to authority continued to grow. Early in June there was a riot in village Bhatwaria (Allahabad) resulting in the death of a zamindar, four of his relations and two servants; there were minor attacks on zamindars in other districts and in many cases the large crowds which had assembled to overawe them had to be dispersed by the police. An astonishing letter was received by a taluqdar in Rae Bareli which announced that he had been fined Rs.1,000 by Congress and that his house would be picketed. The attitude of Congress at the time is illustrated by a speech delivered by Pandit Jawahar Lal towards the end of June. He repeated the boast which had become almost a commonplace with Congress speakers, that the Delhi

* This was presumably a misprint for 12 annas.

Settlement had been forced on the Government, which had sought terms of peace from Congress. He proceeded to assert that Congress had only agreed to the settlement on condition that substantial reductions were made in tenants' rents—an assertion for which no warrant can be found in the terms of the Agreement. But the most mischievous part of his speech was the repetition of the doctrine, to which he had previously given expression, that his objective included the total expropriation of landlords. He held out to tenants the prospect that, with the victory of Congress, they would become full proprietors of the lands they cultivated. It became one of the most dangerous features of the campaign that it tended more and more to assume the form of class warfare against the landlords. The Congress movement has always been largely in the hands of urban supporters, and these seem to have viewed with equanimity, even if they did not actually encourage the most vehement and unbalanced attacks against zamindars. In an address delivered to the Legislative Council on 20th July, Sir Malcolm Hailey referred to this aspect of the campaign as follows :—

> " I do not mean to suggest that responsible leaders of Congress, in taking up the cause of tenants, were not moved by a genuine sympathy for them in the trouble in which the sudden turn of affairs had involved them. I give them every credit for this. But one might have hoped that sympathy would be tempered with greater discretion, and with some better sense of control over the agents employed. There were other leaders, however, whose personal action went beyond indiscretion. Tenants, already intensely troubled by the economic stress, were told that landlords are parasites, that their only hope for the future is in a peasants and workers republic which will abolish landlords, and that landlords who resist Congress now will be ' swept beyond the seven seas '. Again I refrain from applying an epithet to this line of action. Once more ; when certain newspapers are allowed to tell the world that landlords habitually perpetrate nameless horrors on tenants, that in order to force the payment of rents they have habitually been burning villages, maiming peasants and raping their women, then clearly there is something far beyond a mere desire to find a remedy for the economic distress of tenants. Once more I refrain from applying any epithet to this attempt to spread class hatred through the countryside.

8. The action which Government took in face of this development was two-fold. In the first place it was clearly impossible to allow the position in rural areas to drift out of control, either in respect of the payment of rents or the preservation of order. Where tenants appeared to be combining in a general refusal to pay their dues, landlords were given assistance in executing the

ordinary legal processes for recovery, including the use of section 12-A of the Oudh Rent Act, under which rents are recovered by Government as arrears of land revenue. The scope of these operations was explained in a further passage of the speech of the Governor on 20th July :—

"We have now had to face some of the consequences of this campaign. In some of our districts there has been a complete refusal to pay any rent at all in spite of the reduction made by Government and further concessions made by landlords. There have been murderous attacks on landlords, and outrages on officials carrying out legal processes. That is not universal; in a great part of the province, which has not been equally affected by this campaign, tenants are genuinely doing their best to meet landlords and arrange for payment of rents in part or in full. But in the districts most affected, we have had to take action, though we have attempted to regulate it carefully to the bare needs of the position. In selected villages, rents have been collected by revenue agency under the provisions of section 12-A of the Oudh Rent Act. Elsewhere, but again in selected villages, police assistance has had to be given to court officials carrying out warrants of attachment. Our instructions explicitly confine police action to safeguarding the carrying out of court processes; it is incorrect to say that we lend to landlords themselves the assistance of the police in collecting rents. As regards our attitude to landlords, we have indicated that every reasonable consideration must be shown in pressing them for the payment of revenue. We have, I regret to say, received reports of isolated instances in which agents of landlords have attempted to use force in collection of rents; every district officer knows that we are keenly interested in preventing such incidents, and that there is no intention on our part of condoning them. At the same time, action has been taken by us under the preventive sections against certain persons who have been guilty of trying to prevent the collection of rents, or to terrorise landlords. We have proceeded against them not because they teach any political doctrines or belong to any political party; we have taken action only because we are convinced that their conduct will lead to disorder and disturbance of peace. And what, after all, is the total number of victims of this atrocious policy of repression? It is true that a considerable number of processes were issued, but they were largely by way of warning. But take Bara Banki and Rae Bareli, where we are said to have reached the height of our repression of tenants. In Bara Banki six persons are now in prison under the preventive sections. In Rae Bareli eight persons have been ordered to furnish security, of whom five are in jail in default."

Secondly, the local Government recognised that since prices showed no tendency to recover, a more systematic and possibly more extensive measure was required to meet the difficulties of the tenants. The matter was carefully considered in a series of conferences with Settlement and District officers, and was discussed at length in the Governor's speech to the Legislative Council on 20th July. He then stated that Government would welcome the assistance of members of the Legislative Council in considering the problem in all its bearings, and on 23rd July the Council passed a resolution for the establishment of a committee to advise on the question.

9. The committee, which consisted of three officials and 12 non-officials, nominated by different parties in the Council, met on 10th August, and decided to ask for the nomination of a member from the Congress party as it was not at present represented in the Council. They suggested the name of Pandit Govind Ballabh Pant, ex-leader of the Swaraj Party in the previous Council. The Government accepted the suggestion and invited the Pandit to join the committee. He replied regretting that he could not serve without the permission of the Provincial Congress Committee, which it would take time to obtain as its members were scattered through the province. The Rent and Revenue Committee, however, decided that the work before them was too urgent to allow of any further postponement; when the Pandit subsequently intimated that he had obtained the assent of the members of the Congress Committee to serve, the Rent and Revenue Committee had already (15th August) completed their deliberations as regards rent reductions. The local Government accepted in substance the unanimous proposals made by the Committee for reduction of rents, and orders were issued to Collectors that the rent slips showing the rent reductions should be distributed to each tenant concerned before 1st November, that is, well before the rent for the *kharif* (autumn) harvest became payable. As a matter of fact the distribution of slips, which numbered some 2½ million in all, was completed by about the 15th October. The total reduction of rent amounted to 410 lakhs of rupees. It is the intention of the local Government to issue separately a statement giving full material regarding the system adopted in making rental reductions and dealing with the criticisms levied against it; it is sufficent to state here that the general effort was to bring down rents (subject to certain limitations) to the level of those prevailing about 1900, when prices were at about the same level as in the present year. As the laborious task of preparing the rent reduction statements was nearing completion, the Congress, while taking credit on the one hand for the reductions made, began to assert that the Rent and Revenue Committee was composed only of landlords and that their recommendations were inadequate. No mention was made of the fact that the Congress had been given an opportunity to be represented on the Committee.

10. In the meantime, as a result of discussions at Simla, Mr. Gandhi had left India on 29th August to take part in the Round Table Conference. Two days later Pandit Jawahar Lal Nehru, as General Secretary of the All-India Congress Committee, issued a circular to provincial and other Congress organisations from which the following are quotations :—

> " Mahatma Gandhi has sailed for England in order to attend the Round Table Conference and it may be that some of you will think that we have little to do now except to wait till he returns. A greater error cannot be committed. The burden on us is the heavier because he has gone. The Congress has agreed to take part in the Round Table Conference with great doubt and hesitation and without much faith in it. But because we believed that there was a possibility of some good resulting from it, and specially because we thought that Gandhiji's participation in it, with the mandate of the Congress behind him, cannot possibly do harm to the national cause, the Congress sent our leader to represent the nation. He may come back within a few weeks or he may return after two or three months. His success will depend on the strength of an organised nation behind him. And if he returns, as he well might, with our objective still to be gained and a greater struggle before us, we have to be ready to welcome him back, alert and fully prepared for all contingencies and eventualities."
>
> " Kindly impress upon your local committees that * * *
>
> (2) special attention must be paid to the improvement of the Congress organisation by starting village and mohalla committees.
>
> * * *
>
> (5) volunteers must be organised and volunteer units started in all towns and in rural areas in accordance with the new rules. This is most important and urgent and Provincial Committees must take this work in hand immediately and send fortnightly reports to the Allahabad office * * *."

11. The circular further represented the discussions at Simla as giving to Congress " the right to resort to direct defensive action, that is *satyagraha* or civil disobedience, if relief is not given to us in any vital matter." The Simla discussions gave no such right. The relevant correspondence contained a statement by Mr. Gandhi of the position of Congress and by Government of their position. The Government of India made it clear that their discretion and that of local Governments was entirely unfettered, and that the nature and extent of any action they might consider it necessary to take in regard to the activities of Congress must depend primarily on the nature of those activities.

12. On 19th September the Allahabad District Congress Committee appointed a sub-committee to examine the question of rent remissions. They examined the question of rent remissions throughout the province. In their report the committee recommended that instead of a remission of over four crores of rupees proposed by Government, the remission should be about ten crores, giving an all round reduction of rent of between 60 to 70 per cent. They also recommended that all rent arrears should be wiped out and that there should in future be no ejectments; in other words, recovery of dues would be limited to attachment of crops or moveable property. It is clear that such a measure would in practice mean that the recovery of rents would even in ordinary circumstances prove very difficult, if not impracticable. On 15th October the Allahabad District Congress Committee accepted these recommendations and asked the Provincial Congress Committee to authorise them to start a no-rent and no-revenue campaign in the Allahabad district. On 16th October Pandit Jawahar Lal Nehru cabled to Mr. Gandhi in London that the rent remissions were inadequate, that tenants were being harassed and that a representative *kisan* meeting was to be called next week at Allahabad to decide the question of the non-payment of rent. Mr. Gandhi cabled back that Pandit Jawahar Lal Nehru was to take necessary steps to meet the situation. On 23rd October, a Kisan Conference was held at Allahabad at which prominent Congress leaders spoke. Following is an extract from a resolution passed :—

> " This Conference places on record the view that in case Government does not adopt suitable measures for meeting the conditions, the tenants of the whole district will oppose Government by resorting to a no-rent campaign, and in this matter they will gladly carry out the instructions of the District Congress Committee in this behalf."

Pandit Jawahar Lal Nehru had also written to the Chief Secretary about the remissions in Allahabad district. Congress leaders had made a charge that the reductions of rent in this district had not been calculated in accordance with the formula adopted in the Government resolution on the subject, and the Chief Secretary therefore informed him on October 25 that Congress representatives could discuss the question of rent remissions in the Allahabad district with the Commissioner and the Collector of Allahabad. The matter was discussed on November 3, but as the Congress leaders raised the question of the whole policy underlying the remissions, and not merely the question of remissions in the Allahabad district, the discussions were inconclusive. Government had, however, after examining the question of rent remissions in the Allahabad district, already given instructions to the Commissioner which have the effect of removing any possible ground of complaint that the system adopted for calculation in that district differed in any respect from that followed elsewhere.

13. On 10th November the Chief Secretary wrote to Pandit Jawahar Lal Nehru to explain the attitude of Government in regard to the continuation of these discussions. He pointed out that the formula on which the reductions of rent had been carried out was the result of full discussion with a committee of the Legislative Council, and that full information had been given to the public at every stage of the proceedings. If the whole question were now to be reopened, or any substantial modifications made in the lines on which Government had proceeded, it would not merely delay the collection of *kharif* rents, but would practically make it impossible to collect any rents at all. As regards the cancellation of arrears of rent the matter was a difficult and complicated one which would require legislation, and Government could not decide whether any such action could be taken until it had some experience of the effect of the reductions in rent recently announced. The question of the reinstatement of ejected tenants was also one of great difficulty; not the least of the difficulties lay in the fact that tenants who had taken land from which other tenants had previously been ejected had thereby acquired a statutory right, and legislation would be required to remove them from their holdings in order to make way for the ejected tenants. These difficulties stood in the way of discussing the wider question of the modification of the formula adopted for the reduction of rents. But Government were still prepared to discuss any results arising out of the application of the formula in any particular area, or in regard to any exceptional cases arising out of the application of that formula. It appears from published correspondence that on the same day Mr. Patel wrote to the President of the Provincial Congress Committee stating that since the instalment of collection began on the 15th November and there was no time left to wait for Mr. Gandhi's return, he saw no alternative before the Provincial Committee but to take the only possible course of defensive action by advising peasants to refuse voluntarily to pay any rent or revenue till adequate relief was secured. It may here be mentioned that no collections were actually being made in the Allahabad district on 15th November and inquiries show that landlords were not as a matter of fact expecting to collect rent until the beginning of December. The reference to revenue is no doubt due to ignorance; tenants do not pay revenue, and in any case revenue only became due after the middle of December. On 12th November the President of the Provincial Congress Committee wrote to the Chief Secretary stating that in the opinion of Congress the rental reductions generally were quite inadequate, and the difficulties stated by the Chief Secretary were not such as could not be surmounted. He stated that he and his colleagues were still perfectly willing to discuss these matters with Government. That letter was answered by the Chief Secretary on 17th November. He again emphasised

the impracticability of reconsidering the whole question at that stage, or of suspending *kharif* collections; and he repeated that Government were prepared to discuss any exceptional cases arising out of the application of the formula. Meanwhile, however, on 15th November the Provincial Congress Committee passed a resolution stating that the attitude of Government had been thoroughly unsatisfactory and authorising the Allahabad District Congress Committee to advise agriculturists to withhold the payment of rent and revenue during the pendency of the present negotiations. It also authorised its own sub-committee, which was dealing with the agrarian question, to consider the situation in other districts and to give permission to take defensive action where and when necessary. On 20th November, the President of the Provincial Congress Committee wrote to the Chief Secretary referring to this resolution. He realised that the advice given to withhold rent and revenue temporarily might make the situation " a little more difficult," but Congress saw no other course before it. On 22nd November, the Chief Secretary wrote to the Provincial Congress Committee stating that in view of the resolution passed by that body on 15th November, and the subsequent action of the Allahabad District Congress Committee in issuing printed Hindi instructions to tenants advising them to withhold the payment of rent, Government had decided to refuse to engage in further discussion unless the resolution were suspended and an assurance given that the instructions referred to would be cancelled. The Provincial Congress Committee replied on 25th November that the resolution and the notices could be withdrawn only if collections were stopped or suspended. That was a condition which Government were not prepared to accept, and on 2nd December the Chief Secretary informed the Congress Committee that Government had now definitely withdrawn the offer of discussion of exceptional cases made on 17th November. He stated that Government had no intention of stopping or suspending the collection of rents in the Allahabad district, save that no measures would be taken to enforce collection of rents affected by the revised orders referred to in paragraph 12 of this Statement, in regard to which steps would not be taken until the revised slips had been handed to the tenants concerned. On 5th December the Provincial Congress Committee held a meeting at Lucknow in which they passed a resolution definitely authorising the local committees of Cawnpore, Unao, Rae Bareli and Etawah to commence a no-rent campaign.

14. It should be added here that the local Government has recently made suspensions and remissions for the current (*kharif*) harvest amounting to over five lakhs of rupees in view of exceptional damage done by the late monsoon. As regards the question of arrears of rents to which reference has been made above, it has decided to put forward a Bill in the Legislative Council

which will have the effect of safeguarding tenants from ejection if they pay up a certain proportion of arrears due from the last three years. It has not felt itself able to deal with the question of civil decrees outstanding against agriculturists, but is promoting in the Legislature a proposal for appointing a committee to consider this problem, which is one of great complexity. It is necessary to approach it with caution, since anything which causes undue alarm to money-lenders might dry up the source of agricultural credit. The remissions of land revenue now sanctioned by the local Government as a consequence of the reduction of 410 lakhs of rupees in rentals amount to 109 lakhs of rupees for the year beginning with the present (*kharif*) harvest. It has in addition brought down the water rates charged on certain classes of *rabi* (spring) crops to the level of 1905, which will involve a loss of some ten lakhs of rupees.

15. The local Government feel that it can justly claim that it has exercised the utmost patience in dealing with the situation and has refrained from any action which could reasonably be held to be provocative of a disturbance of the peaceful conditions which the Delhi Agreement sought to establish. It has done its best, with the aid of the Legislature, to relieve cultivators of the burden falling on them owing to the sudden and exceptional fall in prices, and it has not hesitated to impair its own financial position by granting large remissions of land revenue and water rates, at a time when it was suffering from a heavy decline in other heads of revenue. It has exercised every restraint in instituting criminal proceedings against those persons who throughout recent months have been fostering a movement fraught with grave danger to the peace of the rural areas. It must be realized that during that period both Government officials and landlords have been subjected to a deliberate campaign of vilification both on the platform and in the Press. The most revolting and obscene charges have been published on the most flimsy evidence. Most of the Congress allegations of atrocities on tenants have been found on inquiry to be baseless and have been contradicted through a series of Press *communiqués*. Between 3rd August and 8th October, the local Government issued no less than fourteen such *communiqués* contradicting these allegations. A glaring example of such propaganda is the Congress compilation, called "Agrarian distress in the United Provinces," which appeared on 23rd September. The Congress here pose as the champions of the *kisans* against the oppression of the landlords and of Government officials. In one place in the report the argument is put forward that in the Jhansi, Gorakhpur and Lucknow divisions the tenant cultivates his land at a loss and cannot therefore pay any rent at all. The whole tendency of the report is to create bad blood between the tenants and their landlords and to impugn the motives and actions of Government and their officers. As regards the Congress allegation

that the tenants have been continuously harassed through legal processes, Government have collected the figures for evictions, etc., during the current year up to the end of July, 1931. They find that while in one or two districts ejectments have been more than usual, for the province as a whole the figures do not show any striking increase. Out of a cultivated area of nearly 35 million acres, tenants were ejected from only about one-half per cent. of the cultivated area. In very numerous cases lands from which tenants have been evicted have been restored at lower rents to tenants or members of their families. Every effort has been made by district officers to persuade landowners to accommodate tenants in this manner. It must be realised that in many cases landlords were compelled to resort to coercive processes because of the recusancy of tenants under Congress influence. As regards the collection of land revenue during the year ending October, 1931, it may be noted that fewer processes were issued under the revenue law than in either of the two preceding years.

16. That the attack on the inadequacy of rent reductions is part of the Congress plan to exploit the present agrarian situation to their own political advantage is clear from the following extracts from two recent letters of prominent congressmen :—

> " It is my firm conviction that in the future fight the only chance of our giving a good account of ourselves is to work hard amongst the *kisans* from now. We must reach them silently. I am not therefore in favour of a premature clash and am against sending our *kisan* workers to jail during the truce terms. If we are allowed to work silently for another six months, we will show very good results in future. I am however afraid of the coming remissions. A good and efficient Collector can take the wind out of our sails if he handles the situation wisely."

In a letter, dated 21st October, 1931, from the President of the Provincial Congress Committee, addressed to all District and Town Congress Committees, the following passage occurs :—

> " In this respect the agrarian situation has come to our rescue and we should take the fullest advantage of the situation. I am sure if we stir it a bit, the entire tenantry of the province to whatever community it may belong would come within our fold."

In October, Mr. Sunder Lal, a congressman, circulated a scheme for a parallel government to be brought into force in the Bara Banki district by 15th November. Each pargana was to have two *panchayats*, with an officer to control the village *panchayats* and decide cases. This officer was to be called a *mamlatdar*. Over the pargana *panchayat* there was to be a tahsil *panchayat*, whose headman was to be called a tahsildar. Above the tahsil *panchayat*,

there was to be a district *panchayat*, of which the head was to be called the *chakladar*. School teachers were to be enrolled as officers of these *panchayats*, as also *patwaris*. Subscriptions were to be taken from every villager. Among the duties of the *panchayat* is the following :—

> " All should try and turn their women into leaders so that when the men are arrested in the next war the women may become the leaders. The English will not arrest women. In this way increase the power of the Congress."

17. The resolutions of the Provincial Congress Committee, authorising the local committees of five districts to undertake a no-rent campaign, have now been followed by overt action in these districts to give effect to the policy of Congress. It has been publicly announced that local committees are only awaiting the sanction of the Provincial Committee to take similar action in other districts. It is clear that Government must now take all necessary measures to combat this campaign; and it has no doubt that public opinion at large will agree that responsibility for all the consequences that may ensue lies with Congress and its adherents.

NOTE.—*The United Provinces Emergency Powers Ordinance*, 1931 (*XII of* 1931), *was promulgated on the* 14*th December*, 1931. *The powers granted to the Local Government under this Ordinance are included among those given by the Emergency Powers Ordinance*, 1932 (*II of* 1932),* *and the Unlawful Instigation Ordinance*, 1932 (*III of* 1932),† *which were extended to the United Provinces on the* 8*th January*, 1932.

* Vide p. 60. † Vide p. 75.

Statement issued by the Chief Commissioner of the North West Frontier Province on the 24th December, 1931.

The Chief Commissioner of the Frontier Province considers it desirable that the public should be put in possession of the reasons which have compelled him, in the interests of the peace of his Province and with the approval of the Government of India, to take certain measures, including the declaration of various associations as unlawful. He proposes within the next few days to issue a more detailed statement of events in his Province since the Delhi Settlement, but in the meantime he considers it proper that the public should be informed of the general character of the emergency which has necessitated the action now taken. In pursuance of the general policy of the Government of India, it has been the aim of the Chief Commissioner to secure for his Province the same measure of constitutional government as in other Provinces, and to spare no effort to obtain the co-operation of all parties and interests. In these endeavours he has been consistently thwarted by the activities of Abdul Ghaffar Khan and his adherents, who, refusing to recognise the Delhi Settlement as a means towards the permanent solution of constitutional problems, have engaged for the past ten months in intensive preparation for the renewal of the struggle. While Government, on their part pursued the path of constitutional reform, each step towards the desired goal has been marked by increased activity of a dangerous character on the part of Abdul Ghaffar Khan. From the outset he has declared his aim was complete independence, the attainment of which was to be secured through the organisation of a large body of volunteers throughout the Province.

During the three months immediately following the Delhi Settlement, the position created by his activities was a constant source of anxiety, and on several occasions it appeared that special measures could not be avoided to maintain control of the situation. Government, however, persisted in their policy of restricting their action within the provisions of the ordinary law, trusting that measures to expedite constitutional reforms would in the end ensure peaceful conditions. This hope was not realised. The publication in June last of the report of the Subject Committee, who took a view favourable to the aspirations of the Province, was without effect. It coincided, in fact, with a period of marked intensification of activities. These manifested themselves in dangerous spirit of contempt for law and order, and in some cases open defiance of authority and even violence to Government officials. In the discharge of its primary duty, of the maintenance of law and order, the local administration was compelled to place a check on these activities by the issue of prohibitory orders in certain areas under Section 144 of the C.P.C. The issue of these orders, which the Chief Commissioner believes was welcomed by the bulk of the population, which resented the interference with and dislocation of its normal daily life by increasingly lawless Red Shirt demonstrations and meetings, led to some improvement in the situation.

This was maintained for a while and it was hoped that with the delegation by the Congress of Mr. Gandhi to the Round Table Conference in London, it would at least continue until the results of the Conference were known. In this hope, too, Government has been disappointed. After the conclusion of an extensive tour in Dera Ismail Khan, Bannu, and Kohat Districts, Abdul Ghaffar Khan, who at the request of the Working Committee of the Congress had undertaken the work of leading the Congress movement in the Province, returning to Peshawar to reorganise as a virtual dictator, the Youth League as an integral part of the All-India Congress organisation under the name of " Frontier Provincial Jirga " (Provincial Congress Committee). It is this period which marks the beginning of that fresh phase of his activities, which has now culminated in the action which Government have been compelled to take. Tours have been undertaken by Abdul Ghaffar Khan throughout Peshawar District, the chief object of which has been to prepare his followers for the renewal of the struggle which he has repeatedly declared to be imminent.

In the course of these tours Abdul Ghaffar Khan, at a meeting at Rustam (Mardan Sub-division) on 1st November, 1931, urged his audience to disobedience of orders under Section 144, recently applied to that area. His speeches have been marked by an increasingly inflammatory, seditious and racial tone. At the meeting at Rustam of the 1st November, he declared that the aim and object of his organisation was " to liberate the country from the foreign yoke. The country was theirs, while the English were enjoying themselves. They were being flogged for the only fault that they wished to see their country free."

Again at the meeting held at Beki (Mardan Sub-division) on 12th December, after the Prime Minister's announcement of 1st December that the reformed constitution of a Governor's Province would be introduced immediately in the North-West Frontier Province, Abdul Ghaffar Khan left his audience in no doubt as to the task which he, at all events regarded as facing them. He said: " We have two purposes; Firstly, to free our country, and, secondly, to feed the hungry and clothe the naked. Do not rest till freedom is won. It does not matter if you are blown up with guns, bombs, etc. If you are brave, come out on to the battlefield and fight the English, who are the cause of all our troubles. Congress is a society against the English. The English are the common enemies of the Congress and the Pathans. For that reason I have joined Congress."

In addition to addressing meetings, Abdul Ghaffar Khan has more recently made village-to-village tour in the areas adjoining the Peshawar Cantonment in which prohibitory orders under Section 144, C.P.C. are in force. In the course of this tour he had made political speeches, under the guise of religious meetings in mosques, of a nature calculated to rouse intense racial hatred. In many villages he has been received by gatherings of Red Shirts lining the road and by other demonstrations which caused large crowds to

collect. All this has been in deliberate defiance of the orders in force under Section 144, C.P.C., and as a direct challenge to the authority of the Government. The aggressive and militant spirit of the Red Shirt organisation has been afforded by the holding of large camps in the Peshawar District at which parades and manoeuvres in military formations have been held.

Abdul Ghaffar Khan has steadily pursued his campaign for the non-payment of revenue and water rates and for the refusal to take Government canal water. In one part of the Peshawar District a " Red Shirt " tahsil has been opened and collections have been made from Zamindars. Revenue payers have been instigated to refuse payment of their dues on the plea of not being able to pay, and intimidation of revenue officials has been practised. As an instance of the latter may be quoted an incident at Gumbat (Mardan Sub-division) where, in response to a summons from the Tehsildar a number of revenue-defaulters appeared, supported by a party of Red Shirts, and after surrounding in an intimidatory manner the village guest house where the Tehsildar was staying, announced their inability to pay their dues, though these were trifling in amount.

Further proof of the subversive nature of the Red Shirt organisation has been provided by the recent dangerous attempt to extend the Congress-Red Shirt movement across the administrative border into the Sam Ranizai area of the Malakand Agency. This attempt was organised by Gulam Muhammed, one of Abdul Ghaffar Khan's principal lieutenants, and a member of the Provincial Congress Committee. Two meetings were held in deliberate defiance of the Political Agent's order forbidding all meetings and in spite of a strong protest by the local Maliks themselves. At one of these meetings Gulam Muhammed urged the people to open violence, and the danger of such incitement in tribal areas requires no emphasis. The sending of Red Shirt jathas into the Agency was also threatened if certain individuals arrested for non-payment of water rates were not released. To deal with this threatening situation and to support the authority of the Maliks it has been found necessary to despatch troops to Dargai. The subsequent arrest of Gulam Muhammed and the seizure of papers found on him led to the disclosure that he had been in touch with the anti-Government party in Afridi country. Inflammatory pamphlets have also been distributed in Swat territory with the object of stirring up disaffection against the Wali of Swat, and reports received also indicate that other activities have been started with the object of subverting his authority. There is evidence that Mohmand tribal territory has not remained unaffected by Congress activities within the Peshawar District, and Jirgas have been held by Mohmand clans to discuss the attitude to be adopted by them in view of the anticipated declaration of civil disobedience.

Despite every effort at conciliation made by Government, including personal appeals, first by the late Sir Stuart Pears, and latterly by the present Chief Commissioner, to Abdul Ghaffar Khan, he has given consistent and unyielding proof of his hatred and contempt of Government and of his determination to subvert it by all

means in his power. None the less, it was hoped that, in view of the clear and unmistakable terms of the Prime Minister's announcement of 1st December he might, even at the eleventh hour, be induced to abandon a campaign, the intensification of which was already a grave menace to the peace of the Province and the Border.

This hope was defeated by the resolutions passed on 20th December at the meeting of the Provincial Congress Committee held at Utmanzai. In these resolutions the Prime Minister's announcement of 1st December was repudiated in the form of a considered declaration that nothing short of complete independence would be acceptable. The adherence of Abdul Ghaffar Khan's organisation to the All-India Congress Committee was reaffirmed, and the latter was called upon to abandon the Irwin-Gandhi Truce and to proclaim the renewal of civil disobedience. Arrangements were at the same time made for the launching, in the first week of January, of a fresh phase of Red Shirt activity, to be signalised by the ceremony of unfurling the Congress Flag at Utmanzai at a New Year's Day parade, and preparations were started to make the ceremony by the size of its attendance as impressive a demonstration of Red Shirts' strength and preparedness as possible.

By this meeting at Utmanzai, by the resolutions passed at it and the preparations sanctioned by it, it is clear that Abdul Ghaffar Khan and the Provincial Congress organisation, of which he is the recognised leader, are determined to bar the door to counsels of moderation, and to continue on a more intensive scale their challenge to the authority of Government. In his speech at the Durbar on 22nd December (to which Abdul Ghaffar Khan and his brother were invited, but refused to attend), the Chief Commissioner emphasised the necessity for a calm and orderly atmosphere in order that the many important and intricate problems connected with the immediate introduction of reforms in the Province might receive from all communities interested, the full and careful consideration that they demand, as well as the co-operation of all political parties. The Chief Commissioner greatly regrets that his efforts to achieve this object by methods of conciliation have been met by the Provincial Congress Committee with nothing but preparations for counter-measures the objects and results of which are not open to doubt. The deterioration in the situation, which has been a marked feature of the past few weeks, cannot continue without disastrous consequences. In the interests of the people of this Province and in view of the necessity of carrying through unhampered by the forces of disruption the work of reforms, the Chief Commissioner has, after the most anxious consideration, been forced to the conclusion that no option has been left to him but to take all necessary measures to prevent the spread of lawlessness and disorder. He, therefore, calls upon all loyal citizens of the Province who wish for peace and stability to rally to the assistance of Government.

Statement issued by the Chief Commissioner of the North West Frontier Province on the 30th December, 1931.

1. Conditions in the North-West Frontier Province have been the cause of continuous anxiety to Government during the past ten months. The reason is to be found in the activities of Abdul Ghaffar Khan and his followers and, in particular, in the policy of intensive preparation pursued by them.

A few days after the Delhi Settlement was reached the Chief Commissioner of the North-West Frontier Province issued a proclamation announcing the application of the Settlement to the North-West Frontier Province and calling upon all men of good will to forget the past experiences and to work together for the peaceful and orderly progress of the province on the path of constitutional development. On the 10th March, Abdul Ghaffar Khan was released from prison and on the 11th he arrived in Peshawar. Even before his arrival, he had given out that the Pact was but a temporary truce, that preparations for renewed hostilities must not be relaxed and that he proposed to raise the number of Red Shirts to 100,000. His first act on arrival was to make an inflammatory speech. He remained only a fortnight in his native province on the occasion of his return from Gujrat jail. He spent that fortnight touring the Peshawar district holding meetings daily or oftener, haranguing those who came to them. From the outset he laid stress on the temporary nature of the truce and the necessity for further sacrifices to secure final victory which he said could only be won by blood, and by endurance even unto death in the face of greater cruelties than had yet been perpetrated by Government. Charges against Government of not observing the terms of the truce were not slow to follow. On one occasion, the Afridis who at the time were at war with Government and other transborder tribes were invited to come and make common cause with the people of the Peshawar district, and everywhere his hearers were exhorted to prepare for the coming struggle by enlistment in the Red Shirt army. Of any sort of response to the Chief Commissioner's proclamation there was no sign; not a word about co-operation, nor any indication of recognition that reforms were now well on their way. On the contrary, although both in speeches and in the instructions issued to those who joined the movement great stress was laid on non-violence, Abdul Ghaffar Khan went out of his way to visit places where collisions had taken place in the previous year between the forces of Government and rioters, and there remind his hearers of the prospects of the war for freedom being renewed at an early date and the necessity for further sacrifices when the time came.

2. The Chief Commissioner in pursuance of the spirit engendered by the Pact had left no stone unturned from the moment of Abdul Ghaffar Khan's release in the endeavour to get into touch with him both personally and through the local officers concerned. Abdul Ghaffar Khan, however, refused to see him, and at a public meeting at Land Khwar on the 13th April made a public reference to this and stated that he had no time to spare to see the Chief Commissioner. It was not until 30th July that an interview took place.

3. As a result of the activities of Abdul Ghaffar Khan and his lieutenants, the Red Shirt movement came rapidly to life again in all parts of the Peshawar District, and large numbers of volunteers were enrolled. Although great stress was laid on the observance of a policy of non-violence, the people generally were encouraged to expect some great event, to unite themselves in anticipation of that event and to be prepared when the signal should be given to resume a struggle which was described to them as war. The continuous trend of Abdul Ghaffar Khan's speeches both inside and outside the province was the necessity for preparation. He was absent from the province from the 25th March until the 9th April and during his absence a violently seditious drama containing direct incitement to the murder of the Assistant Commissioner of Charsadda was enacted, on the 4th April at a village called Babra, before a large audience. The production of this play was arranged by members of the Red Shirt organization. The local leaders dissociated themselves from the play and from those who had been responsible for its production. The authors of the play and those who had taken part in it were arrested, prosecuted and in due course convicted. On his return to the province, Abdul Ghaffar Khan at first followed the example of the local leaders, but a few days later he congratulated the relatives of those who had been arrested on having " such brave sons who were ready to liberate their country and had no fear of a tyrannical Government."

Towards the middle of May, Abdul Ghaffar Khan began to extend the field of his activities and left Peshawar for a tour in the Southern districts of the province. His intention of holding a meeting at the village in Hathi Khel Wazir country, where the collision between troops and rioters mentioned in paragraph 1 above took place, was widely announced. The District Magistrate issued an order prohibiting this meeting under Section 144, Cr. P. C. and the order was obeyed. On his return to the Peshawar district, Abdul Ghaffar Khan held a meeting in the Malakand Agency and stressed the importance of extending his movement both in tribal territory and in the districts of the province. Early in June he left Peshawar for Bardoli, where he was with Mr. Gandhi for some days. On his return to Peshawar, on the 24th of June, he embarked on another tour of agitation, and though in his speeches he paid lip tribute to the necessity for non-violence, the general

trend of them was to promote enmity between different classes of His Majesty's subjects or hatred and contempt of the present Government.

On the 17th July, Abdul Ghaffar Khan attended the National Muslim conference at Meerut, the Presidency of which he had been offered but had declined. After the conference had closed he made a very seditious speech in which he explained that he had joined the Congress because they were the only body in India which had the same object as himself, namely, to turn the British out of India. On the 22nd of July, he returned to Peshawar bringing with him Sister Khurshid, a well-known Bombay Congress worker. The object of this lady's appearance was to assist Abdul Ghaffar in the organisation of the women of the province under the aegis of the Red Shirt association.

In August a very serious communal riot took place in Dera Ismail Khan City. Muhammad Ramzan, Vakil, a local leader of Red Shirts, immediately published in the Angar, a Red Shirt newspaper, an interview in which he declared that Government had deliberately caused the riot. For this he and the editor were convicted under Section 124-A, Indian Penal Code. A few days afterwards, there was a communal riot at Kulachi in which the Red Shirts took part.

In the latter half of August, Abdul Ghaffar toured in the Mardan Sub-division of the Peshawar District. The tone of his speeches was highly objectionable; in one speech he asserted that "the Be Iman Government dishonoured women on the pretext of collecting land revenue" and in another he declared that "if I do not die, I will prevent the English from ruling my country and, with the help of God, I shall succeed."

In the end of September, Abdul Ghaffar toured the Tank Sub-division where an order under Section 144, Cr. P. C., prohibiting meetings was in force and in defiance of the order held numerous meetings in mosques where he delivered objectionable speeches. In October, the intimidation and restraint practised in the enforcement by Red Shirts of picketing and hartals in the Peshawar City combined with the frequent marching of large bodies of Red Shirts through the City compelled Government to pass an order under Section 144, Cr. P. C., prohibiting meetings and demonstrations in the city. Abdul Ghaffar has recently toured the Khalil and Mohmand area in the Peshawar District, where an order under Section 144 is in force, and held meetings in mosques. During his tour he inspected Red Shirt offices and Red Shirt parades. On his arrival at various villages large crowds collected, the road was lined with Red Shirts, drums were beaten, and on two occasions shots were fired to welcome him.

Instances of race hatred will be found scattered broadcast throughout the speeches of Abdul Ghaffar Khan himself. It is only necessary to refer to the glorification in speeches and drama of the attempted assassination of Captain H. A. Barnes by Habib Nur, and to universal attempts by the Red Shirt leaders to hold demonstrations of sympathy for Hari Kishan, the convicted Punjab murderer. In every speech the main theme of Abdul Ghaffar Khan is one of contempt and hatred of British Officers. He has also made a practice of extending his diatribes to English women. In many of his recent speeches he has attempted to stir up hatred in this direction by drawing attention to what he terms the luxurious life of English women. A recent incident on the 6th of December, 1931, is indicative of the extent to which this poison has spread. A lady was severely injured while riding on horseback and had to be carried a distance of some two miles to the road. A number of villagers in the true spirit of Pathan tradition willingly offered a charpoy and their services to carry the injured lady from the scene of the accident. When passing the village of Qasim the Red Shirt leader and his men turned out and stated that it was forbidden to perform this service. They endeavoured to prevent the bearers of the charpoy from proceeding, and in reply to protests stated that they were acting under the orders of their officers. In spite of insults and jeers some of the bearers, however, persisted in their task and the charpoy was carried a distance over a mile followed by a crowd of Red Shirts shouting insults and imprecations. This incident is quite foreign to true Pathan traditions.

The movement has also done much to embitter social relations. The chief binding force of the Red Shirt movement is the anti-revenue campaign. Locally the most important stimulus is to be found in village factions and animosities. A picture of this tendency in miniature may be seen in almost any village of the district where the movement is strong. Innumerable instances have taken place all over the Peshawar District which prove that the local Red Shirt organisations are only too ready to impose their will on litigants, to interfere with investigation of crime, and even to proceed to violence and murder of their rivals whenever they feel themselves strong enough. When faced with superior force, whether of Government or of local notables who can command support, this overbearing attitude changes into one of sulky defiance. The existence of this spirit is perhaps best examplified by quotations from two documents. The first is an indictment of the Red Shirt movement by the old Congress party in Peshawar. This indictment closes with the following statement :—

> " It is feared that the movement for liberation of the country is liable to suffer rather than to gain from the ' Khudai-Khidmatgars.' "

The following facts are mentioned in support of this statement :—

(i) In some villages communist ideas are being favoured and capitalists and big Zamindars are subjected to threats that all their property will be distributed equally amongst the people.

(ii) In some villages the Tahsildar's authority for collection of revenue is challenged, and some refused to pay it. Reports to the effect are on record.

(iii) One Sub-Inspector of Police who recovered an unlicensed weapon was held up and beaten and the accused set free by force (this refers to the Aza Khel incident).

(iv) Women singing on the occasion of a marriage in the village were prohibited by Red Shirts from doing so. On the following day the man whose marriage was being celebrated was attacked by Red Shirts and wounded. He is still in hospital. The case is under investigation.

In short, a large number of incidents are happening every day, and great discontent prevails in the Peshawar District. Much trouble is brewing, and it is feared that a severe civil war may result which might upset the present situation, especially when the Gandhi-Irwin truce is in force."

The other document is a petition signed by a number of Khans and notables of the Charsadda Sub-division. The petition runs as follows :—

" Ever since the day that Government released the Red Shirts from jails the Red Shirt movement has spread in a large number of villages throughout the district. The general attitude of the Red Shirts has become so intolerant that they universally adopt in their dealings with persons opposed to their movement a line which can only be described as improper. On ceremonial occasions at times of marriages and funerals and generally also, their daily course of action is intolerable. In their meetings they make a practice of exciting the feelings of the public against those who are opposed to their movement. Subscriptions are forcibly realised from shop-keepers. The sale of foreign cloth is forcibly prevented. For the above reasons there is continual danger of breach of the peace. It is accordingly requested that Government will take such measures or issue such orders as will render impossible in future any disturbance or breach of the peace or disorder."

Two further instances may be noted. On the occasion of a marriage the Red Shirts demanded a contribution of Rs.30 to Red Shirt funds and confined the host illegally to compel production of the money. For this offence they were prosecuted. On the occasion of the death of Nawab Sir Dost Muhammad Khan, Kt., O.B.E., of Tahkal, one of the leading Khans of the Province noted

for his loyalty to Government, the Red Shirts from the village, some of whom were relations of the Nawab, prevented any Red Shirt follower from attending the funeral.

4. In the beginning of June, the local Administration announced certain reductions in the land revenue demand on account of the general fall in agricultural prices. The concessions were the same as those granted in the Punjab. Abdul Ghaffar Khan endeavoured to take the credit for them and held out wild hopes of reductions in the future demand by 75 per cent. and the payment of the remainder in kind instead of cash. As in other provinces, the exploitation of economic distress has been a marked feature of the agitation. Many of the followers of Abdul Ghaffar Khan have made it their business to impede collections of land revenue, and it has been easy to trace a direct connection between realisations and the activities of the movement. In villages where meetings took place and speeches were delivered, collections have been difficult to make. There has been opposition to the attachment of property and an organised boycott of auction sales. In the areas to which the movement has not spread, the people have been more punctual in the observance of their obligations.

When the land of Mazullah Khan of Tangi was attached instructions were circulated to intimidate possible purchasers. The boycott was eventually broken by securing an offer from a loyalist with the result that the defaulter paid up his arrears and resigned from his office in the Red Shirt movement. A similar boycott was imposed on the sale of land of Abdul Rahim of Utmanzai (heavy defaulter in Rs.20,000). There are now signs of payment of a large part of these arrears on securing an offer from a purchaser. More recently Abdul Ghaffar Khan himself and his immediate lieutenants have come further into the open. In a speech at Takhtabad Abdul Ghaffar Khan stated without concealment that Obedullah Khan his nephew was in a position to pay, but did not do so in order to give the lead to other defaulters. Abdul Ghaffar Khan organised meetings at Utmanzai and Rajjar at which speeches were made by his lieutenants advising lambardars to apply for help against certain revenue defaulters, and the latter to refuse to pay and to emulate Obedullah Khan by going to jail and hunger-striking. This advice was given to counter the Collector's general instructions that lambardars should receive assistance against recalcitrant revenue payers. Abdul Ghaffar Khan himself during November proclaimed a campaign advising cultivators to refuse canal water, or, if they took water, not to give more than annas eight per Jarib (the sugar cane rate amounts to some Rs.5 per Jarib). Jirgas of Maira Mohmands who have been interviewed by the Honourable the Chief Commissioner and urged to pay their water-rates have replied that they will do their best, but it is difficult to make headway against Abdul Ghaffar Khan and his

propaganda, which in season and out of season is mainly directed against the payment of Government dues. More recently the Tahsildar has met with direct refusal by defaulters to pay their dues in the Daudzai area. This is the result of a visit by Abdul Ghaffar Khan to Takhtabad which was followed by the issue of a declaration by the Local Red Shirts that a " Tahsil " had been opened at Takhtabad, and every landowner was expected to pay a small sum as " faslana " to the Red Shirts per crop. This movement is an attempt to set up parallel institutions.

The position in the Shah Nahri tracts of Mardan and Charsadda is even more serious. In these areas, the local Red Shirt leaders, who are Mardan vakils, have sent out secret instructions that no lambardar should come to the tahsil, and if revenue is demanded on the spot by the Tahsil officials, defaulters are not to refuse it in clear terms, but say that they cannot pay. The result is that very little revenue is collected unless while the Tahsildar himself is in the village, and this only with great difficulty. Many lambardars have informed the Tahsildar that they are not able to make a headway against the vakils' propaganda. Meanwhile the existing disinclination to pay Government dues has been increased by the propaganda referred to above against taking water unless the water-rate demand is reduced. Long lists of cultivators agreeing not to take water have been collected by the Red Shirt propagandists in this area.

5. Another feature of the movement has been interference in the ordinary administration of justice. The following are a few instances out of a number reported :—

(1) A butcher of Parang killed a bullock on the 23rd of March, 1931, the day of a hartal. He was arrested by " Red Shirt " volunteers and brought before the local " Red Shirt " leader, who inflicted a fine of Rs.10 which was paid.

(2) On the 16th of April, 1931, it is alleged that a girl of Pir Piai village was raped, but the local " Red Shirts " prevailed upon her relatives to make no report, promising to decide the case themselves. They did not do so, and some days later a report was made at the Police Station. Suitable action was taken against those who had omitted to give information and had caused the disappearance of evidence.

(3) In this case the " Red Shirts " refused to hand over the corpse of a man alleged to have been murdered to the police for post-mortem examination. A party of additional police was sent out on the following morning to recover the body, but in the meantime, the " Red Shirts " had been told by a local man of influence not to interfere with this investigation.

(4) A police patrol recovered a pistol and a dagger. A party of " Red Shirts " supported by other villagers demanded the return of the weapons recovered, and eventually the crowd seized the pistol and the dagger by force in the presence of the lambardar. Additional police had to be sent to the village, and a number of suspects were arrested and sent up for trial.

(5) In a village brawl at Naryab in the Kohat district a man knocked another senseless with a club. The local Congress Committee stepped in and fixed blood money in case of death and compensation otherwise. The case was reported to the police as an accident.

(6) On the 11th of June a pickpocket was caught redhanded and produced before the President of the Branch Congress Committee at Naurang in the Bannu district. He confessed his guilt and handed back the stolen property, a portion of which was credited to Congress funds. As punishment the pickpocket's face was blackened, and he was led on a donkey through the bazaar. No report was made at the police station.

(7) On the 13th of June, 1931, there was a brawl in Bannu City, in which a boy was wounded. The parties were seized by the local Congress volunteers and produced before the leaders who imposed a fine and compromised the case. Part of the fine was credited to Congress funds.

(8) On the 7th of July, 1931, a lambardar of Kakakhel in the Dera Ismail Khan district was assaulted while trying to collect revenue. He was told that it was the rule of Congress that revenue should not be collected.

(9) On the 9th July in a village near Nowshera a woman named Pashmir who was assaulted by one Abdul Qaiyum, her neighbour, while she was alone in her house, was persuaded by the " Red Shirts " not to report to the police saying that her case would be decided by themselves. The brother of the girl, who himself is a " Red Shirt," reported the case in police station Pabbi two days after the occurrence when no settlement had been made in the village.

(10) 20th July, 1931, Pir Mohd. son of Isa, an apprentice with Gulzada, goldsmith, of Takhtbai, Mardan, stole from the latter's shop ornaments worth about Rs.500 and brought them to Peshawar City for disposal. He was caught by a goldsmith of Peshawar City and handed over to the " Red Shirts," who sent a volunteer to Takhtbai to fetch Gulzada. Gulzada was brought to the office of the City " Red Shirts " where Dr. Khan Sahib handed him over the stolen ornaments. Pir Mohd. was let off.

(11) Section 395/342, I.P.C., village Landi Akhun Ahmad. One Mohd. Umar of Landi got married in Hazar Khani village and brought his bride to his village where a party of 11 " Red Shirts " visited his brother, Mohd. Akbar and demanded Rs.30 for the Congress funds. On being told to come later, they caught Mohd. Akbar, tied a turban round his neck and dragged him to the " Red Shirt " office. Mohd. Umar and another named Said Akbar came to the Congress office and requested the " Red Shirts " not to be cruel. They were also molested. Mohd. Akbar was thrown on the ground and jumped upon by the " Red Shirts." They were detained for three or four hours and, after being ordered to pay the money the next morning, were let off. On the following morning their father pawned a pair of ear-rings for Rs.10 and paid the amount to the " Red Shirts " requesting them to remit the remaining fine. The request was refused and the next morning Mohd. Akbar was again brought to the " Red Shirt " office, but was released through Mian Gul Chowkidar on the promise that the remaining money would be paid within two days. A report was made to the police by Mohd. Akbar on which the 11 " Red Shirts " referred to above were arrested, sent up for trial and convicted.

(12) 25th October, 1931, u/s 397, I.P.C., P.S., " A " Division, Peshawar City. To express sympathy for Dr. Khan Sahib's son, who was on hunger strike in jail, the " Red Shirts " forced the shopkeepers to hold a hartal. A party of " Red Shirts " forced Nazir Khan, fruit seller on Pul-i-Pukhta, to close his shop. On his refusal the " Red Shirts " began to beat people who were buying fruits. " Red Shirts " and City riff-raff pushed their way into the shop. Two servants of the shopkeeper were wounded. A case was registered in " A " Division P.S. on the complaint of Nazir and Wazir, but remained untraced as through " Red Shirts' " molestation the complainants were afraid to give evidence.

6. The following extracts from the fortnightly reports of the local administration illustrate some of the activities of the " Red Shirt " movement since the beginning of June :—

(a) *Report for the first half of June.*

" Despite the absence of Abdul Ghaffar Khan, first on his tour of the Kohat, Bannu and Dera Ismail Khan Districts, and later on his visit to Mr. Gandhi at Bardoli, there has been a definite, if not a serious, deterioration in the situation in certain parts of the Peshawar District. The agitation of the Youth League has broken new ground in the Khalil and Mohmand Tappas of the Peshawar Tahsil, thereby acquiring fresh strength; and the following

incidents may be cited as indicative of the temper of the league's volunteers. A British despatch rider was forced off his motor-cycle by a crowd of ' Red Shirts ' at the village of Sarband on the Bara Road, while at another village named Aza Khel a small party of police, which had seized an unlicensed revolver and dagger, were attacked and compelled for their own protection to shut themselves up in one of the houses in the village, and were eventually forced to give up both the arms and the arrested man. Again, in Risalpur 150 ' Red Shirts ', in defiance of an order prohibiting processions within the cantonment, attempted to march through it by way of demonstration. Their way was blocked by police, and at one time the situation seemed threatening, but after three hours on the arrival of the Assistant Commissioner of Nowshera, who issued an order under section 144, Cr. P.C., the gathering dispersed. In parts of the Mardan sub-division the situation has again been causing anxiety."

* * *

(b) *Report for the second half of June.*

" On the 21st of June information was received that three Hindus of the village of Sarband had been confined by the local ' Red Shirts ' in order to recover a debt alleged to be due from them. As this was a cognisable offence arrangements were made to arrest the offenders. On the arrival of the police in the village a large crowd collected, and they were informed that the arrests would not be permitted by the local ' Red Shirts ' until orders had been received from their central committee at Tahkal. Messengers were also despatched to the neighbouring Mohmand and Khalil villages to send in their ' Red Shirts ' contingents. Meantime police reinforcements had arrived, and the arrest of one of the offenders was successfully effected. A large crowd, however, followed the police back to the police post, which they endeavoured to enter. Prevented from doing so the crowd then lay down on the road with the object, in which they were successful, of preventing the removal of the arrested man by lorry to Peshawar. Throughout the night processions of ' Red Shirts ' continued to march up and down the road, which is the main line of communication between Peshawar and the Khajuri Plain, demonstrating at intervals in front of the police post. In the early morning the number of ' Red Shirts ' had increased to some 2,000 or 3,000, and backed by this force the local ' Red Shirt ' leaders, who had appeared on the scene, endeavoured to intimidate the Deputy Superintendent of Police in charge of the party to abandon the attempt to carry out the remainder of the arrests. This the Deputy Superintendent of Police resolutely refused to do, and eventually the remainder of the accused surrendered themselves for arrest and were removed to Peshawar. The police party behaved throughout with the greatest possible

restraint, and a situation which might have had very serious consequences was thereby narrowly averted. Although fortunately no military convoys happened to be passing at the time, lorries containing military and constabulary officers were obstructed by parties of ' Red Shirts ' on the road and subjected to insult and abuse. On the 24th of June the arrests of the two local ' Red Shirt ' leaders were successfully effected by police supported by a small body of troops. No resistance was offered to the arrests, although there was considerable excitement. On the evening of the same day Abdul Ghaffar Khan returned to Peshawar from his visit to Mr. Gandhi at Bardoli, and on the following day proceeded to hold large meetings in the neighbouring villages of Deh Bahadur and Tahkal, at which he took the line of encouraging others to follow the example of the two ' Red Shirt ' leaders who had been arrested. As the effect of Abdul Ghaffar Khan's speeches was further to increase the excitement, the Deputy Commissioner, Peshawar, was authorised to issue a notice under section 144, Cr. P. C., prohibiting all meetings, demonstrations and processions of the Youth League and kindred associations in the Mohmand and Khalil area for a period of two months. So far there has been no attempt to defy the order, and for the present the situation has somewhat eased, although as a precautionary measure and in order to ensure the safety of the line of communication it has been considered advisable to locate a small military force on the Bara Road leading to the Khajuri Plain."

* * *

(c) *Report for the first half of July.*

" The situation in the Peshawar District still continues to give cause for grave anxiety. On the 2nd of July Abdul Ghaffar Khan began a tour in the Mardan Sub-division. At the first meeting, held at Land Khwar, resolutions were passed demanding the removal of certain of the district authorities on the ground of their oppression and violation of the Irwin-Gandhi Pact, the remission of 75 per cent. of the revenue and the payment of the remaining 25 per cent. in kind. On the 3rd of July Abdul Ghaffar Khan held a meeting at Katlang, the attendance at which is said to have been as large as 15,000. A significant feature of his speech was his statement that he had written to Mr. Gandhi to ask for permission to recommence the ' war ' against Government. At the same meeting a Mardan pleader of the name of Samin Jan is reported to have said that there could be no rest until an Afghan Mohammadan King had been set up. On the following day an equally large meeting was held in the village of Dagai, at which Abdul Ghaffar Khan spoke in much the same strain as on the previous day, declaring that if Government wanted ' war ' he was anxious to obtain permission from Mr. Gandhi to fight."

* * *

" As regards the general situation in the Bannu district, the Deputy Commissioner reports that it has further deteriorated during the fortnight under review. Meetings have been more frequent and the tone of the speeches made is becoming increasingly objectionable, while European Officers are now being shouted and booed at while travelling along the main roads, which have on several occasions been the scene of parades and marches of ' Red Shirt ' formations. In the D. I. Khan District also the tone of the speeches at Congress meetings have become very objectionable; some speakers describing the Government as ' the destroyer of Islam and of the Quran ' and appealing to their audience to destroy the Government and to drive it out. Suitable action has been taken by the Deputy Commissioner with good effect against four of the most violent speakers."

(d) *Report for the first half of August.*

" The fortnight under report has been productive of two very serious instances of lawlessness in the Peshawar District, both of which occurred on the 11th of August. In the first instance a lorry containing a police guard accidentally knocked down and injured a woman on the outskirts of Peshawar City. The woman was removed to the hospital but the lorry was at once surrounded by a hostile crowd of city Red Shirts, which held it up for two hours. It was not until the arrival on the scene of British officials and until a warning had been given to the Red Shirt leaders that the crowd would be dispersed by force, if necessary, that the lorry was at length allowed to proceed on its way.

The second instance occurred in a village in the Nowshera subdivision called Akbarpura. In January, 1930, an additional police post was located in the village, the reason for the imposition of it being the bad criminal record enjoyed by the village for some years past. Despite the repeated warning to it to pay up the amount outstanding against it for the additional police post as well as on account of revenue dues, the village has stubbornly refused to do so. On the 11th of August the Assistant Commissioner of Nowshera with some revenue officials and an escort of 10 policemen visited Akbarpura in order to realise the arrears. The Lambardars and the chief defaulters were called up and informed that, unless the arrears were paid up, the property of the defaulters would be attached. Large crowds collected in the village bazaar and defied the authorities to make any such attachment. The Assistant Commissioner telephoned for police reinforcements and 80 armed police were at once sent out to support him. The crowd, which numbered between 2,000 and 3,000 and was being swelled by contingents from the adjacent villages, was then warned that it formed an unlawful assembly and was also in direct contravention of the orders enforced under section 144, Criminal Procedure Code. Although the Assistant Commissioner, the Zaildar and other leading men of the

village harangued the crowd for over half an hour they refused to disperse. After another warning from the Assistant Commissioner and another refusal by the crowd, the police were ordered to disperse the crowd. This they were successful in doing without recourse to firing. In the meantime the Deputy Commissioner, Peshawar, had been informed of the events at Akbarpura and of the fact that other parties of villagers were converging on it. In view of the seriousness of the situation the Deputy Commissioner himself proceeded with the Superintendent of Police to Akbarpura supported by a company of regular troops, who were halted half-a-mile out of the village. On hearing of the arrival of the troops the contingents from the neighbouring villages scattered to their homes. The arrest of some 10 persons who were most prominent in the resistance offered to the Assistant Commissioner was effected without incident. The usual allegations were at once made that unnecessary violence had been used in the dispersal of the crowd, one allegation being that the crowd had been dispersed with the aid of bayonets; and on the 13th a meeting was held in Mahabat Khan's Mosque in Peshawar City by the Congress Committee and the city ' Red Shirts,' at which a resolution of protest against the action taken by Government at Akbarpura was passed. This was Abdul Ghaffar Khan's first public appearance since his return from Bombay and also his first appearance on a public occasion of any importance since his interview with the Chief Commissioner. His speech, which was largely composed of a violent and at times hysterical attack on Government, was one of the most objectionable he has yet delivered and aroused his audience to considerable excitement."

(e) *Report for the first half of September.*

" Meanwhile in the Peshawar District, apart from the fact that there as elsewhere in the Province the fortnight has been uneventful, there is little real improvement that can be recorded in the situation generally. Lawlessness and disrespect for authority continue to be evident in the volume of heinous crime, which shows no sign of decreasing, and in the difficulty of making revenue collections, which in spite of slightly easier prices have not so far improved. Although there has been some improvement in parts of the Mardan sub-division, the situation there generally still gives cause for anxiety, particularly in the Swabi Tahsil, in which the Joint Deputy Commissioner reports that revenue collection presents special difficulties and visiting officers have been shouted at and abused on the main road."

(f) *Report for the second half of September.*

" During the fortnight under report there has been a marked increase in picketing activities. On the 14th September the Peshawar City Congress volunteers began the systematic picketing

of cloth shops, which was successful in forcing several of the cloth-dealers into signing the usual type of agreement in order to secure the removal of the picketers. On the following day Abdul Ghaffar Khan met two of the leaders of the City Congress Committee and stipulated for the acceptance of the following three conditions :—

(i) that he should be acknowledged as dictator,

(ii) that the Provincial Congress Committee should have its headquarters at Utmanzai instead of in Peshawar City,

(iii) that the Provincial Congress should in future be called the Provincial Jirga.

As these conditions were not accepted, all responsibility for the picketing was promptly disavowed by ' Red Shirts,' who, ignoring the settlement made by the cloth-dealers with Congress, began intensive picketing of all cloth-shops, including the Swadeshi shop run by Dr. Ghosh, a member of the Congress Committee. The Congress party then withdrew their remaining picketers and sent in a protest to the All-India Working Committee.

It is estimated that, including reliefs, the number of ' Red Shirt ' picketers employed was not less than 900, of whom as many as 300 were on duty at one time. Picket reliefs marched through the city in formations of some 50 at a time, and this display of organisation as well as the number and character of the picketers themselves, many of whom were drafted in from the surrounding villages was, apart from some of the methods of picketing employed, sufficient to intimidate the public and the shop-keepers alike. A communal tinge was also given to the situation by the march through the city of a party of some 25 Mohammadans clad in red shirts protesting against the sale of the Quran by Hindu and Sikh book-sellers. A proclamation by beat of drum was, however, made by the General Secretary of the ' Red Shirt ' Organisation disclaiming responsibility for the action of this party and asserting that it was a trick inspired by Government in order to create communal tension. At one time the situation gave cause for considerable anxiety, since although perhaps not in actual fear of a communal outbreak, the Hindu leaders were apprehensive lest any fracas or collision might develop into hooliganism, if nothing worse. Dr. Khan Sahib, brother of Abdul Ghaffar Khan, was sent for by the Chief Commissioner, warned of the dangers of the situation and informed that picketing of the kind which was being practised and was contrary to the terms of the Delhi Settlement could not be tolerated any longer. Dr. Khan Sahib admitted the gravity of the situation and undertook to co-operate with the authorities. After consultation among the Youth League leaders at Utmanzai terms were made with the cloth merchants, who were given until 31st of December to clear their foreign stocks, and picketing was called off. Picketing, however, of liquor shops was continued, as also the picketing of brothels.

On the 20th September at a meeting of ' Red Shirt ' leaders of Charsadda and Mardan, at which Abdul Ghaffar Khan was present, it was decided to organise picketing throughout the Province and the ' Red Shirt Commander-in-Chief ' of Utmanzai was deputed to tour the province for the purpose. A beginning has already been made in parts of the Mardan sub-division, the method adopted being to send parties up to 100 strong and marching in formation to the village selected. Pickets are then posted in the bazaar and outside the village, the number of which is then gradually reduced. There has also been a general increase in picketing in the Hoti and Mardan bazaars, which has on several occasions been characterised by restraint and active obstruction. In Mardan three cases have been registered under Section 341, I. P. C. In Kohat City also, where hitherto resistance has been offered to the threats of the local Congress, the cloth merchants have now capitulated to picketing which began on the 23rd of September, and on the following day signed the necessary pledges to dispose of their cloth within three months and not to import fresh stock."

(g) *Report for first half of October.*

" The methods of picketing adopted in Peshawar city and in the Hoti-Mardan bazaar have been most objectionable, and have been in open violation of the provisions of the Delhi settlement. In one case the purchase of some cloth by a Kabuli was interrupted by the leader of the Peshawar City Red Shirt picketers, who ordered the shop-keeper not to hand over the cloth and demanded the payment of a fine of Rs.300. The shop-keeper refused to pay and threatened to report the matter to the police. The picketing of the shop was continued and later the shop-keeper capitulated by paying, it is believed, a sum of Rs.100 to secure the withdrawal of the picketers. In another case the purchaser of a bottle of liquor from one of the liquor shops was seized by a Red Shirt volunteer as he emerged from the shop. The bottle was then taken from him and smashed on the ground. Cases in which the law has been violated have been, and are being, dealt with where possible, but it is probable that this will not suffice to check the coercion, restraint and intimidation that are being practised, and further measures to deal with the situation may be required. Meanwhile every effort is being made by the Deputy Commissioner Peshawar, and the Joint Deputy Commissioner, Mardan, by communication with the Red Shirt leaders, to restrain the activities of picketers and to keep them within the limits of the Gandhi-Irwin pact."

(h) *Report for second half of October.*

" Political activity has been concentrated in the Peshawar City, where during the last fortnight the situation has steadily deteriorated. Since the 1st September there have been no less

than 27 processions, 9 meetings and 1 enforced *hartal*. The occasions for processions have mostly been to protest against convictions of Red Shirts or to welcome released prisoners. Some of them have been so large that general traffic and business have had to be suspended for some hours and the shop-keepers have been compelled to close their shops for fear of disorder. Another ebullition of lawlessness has been the attempt to mob the Court of the Magistrate where some of the Red Shirts had been undergoing trial. Contingents from the surrounding villages have been brought in to swell the numbers of Red Shirts and the attendance at one meeting on the 16th October was as large as 5,000. Intimidation and restraint have been freely practised in the enforcement of picketing and *hartals*, and on the 25th October, on the occasion of the *hartal* enforced as a protest against the sentence of one month's imprisonment passed on Obedullah Khan, son of Dr. Khan Sahib, as a revenue defaulter, the refusal of a shop-keeper to comply immediately with an order to close his shop was countered by the Red Shirt leader blowing his whistle and summoning aid. On the arrival of other Red Shirts and the immediate gathering of a crowd a fracas ensued, which might easily have developed into a serious disturbance, bricks being thrown and the cry raised to loot the shop. The shop-keeper has since been subjected to hostile demonstrations by the Red Shirts, and, although a case has been registered, it is doubtful whether in face of this intimidation witnesses will be forthcoming for the prosecution. It was clear that with the seasonal influx of trans-frontier tribesmen into the Peshawar District and City further deterioration in the situation could not be permitted without grave danger of disturbance. In order, however, that before action is taken by Government the Red Shirt leaders might be given an opportunity of themselves restraining their followers and bringing their activities more into conformity with the provisions of the Delhi Pact, the Deputy Commissioner, Peshawar, interviewed Dr. Khan Sahib, the director of the city movement, and called upon him to take certain measures to this end. Dr. Khan Sahib expressed his inability to comply, and the Deputy Commissioner has now been authorised to issue a prohibitory order under section 144, Criminal Procedure Code, forbidding picketing and the holding of meetings, demonstrations or processions other than those for religious purposes within the limits of the Peshawar City.

Meanwhile, Abdul Ghaffar Khan continues to stump the countryside, stirring up hatred towards Government. In the October issue of his paper, the " Pakhtun," he has shown that he is prepared to stick at no falsehood or distortion of fact, provided it serves his purpose in bringing Government into contempt. At the last meeting held at Utmanzai on the 21st October he declared that " the Hindu and other communities are with us, and we follow Congress, the aims and object of which are to oust the British

Government from India." At this meeting he also put forward a new suggestion, which he promised to discuss further on return from attendance at the All-India Congress Committee meeting at Delhi, namely, that propaganda should be started in villages against the use of canal water, for which water-tax has to be paid."

(i) *Report for first half of November.*

" The fortnight has been one of considerable activity on the part of Abdul Ghaffar Khan. In a tour made in the area of the Mardan sub-division of the Peshawar District, in which a prohibitory order under section 144, Criminal Procedure Code, forbidding meetings, demonstrations and processions, other than those for religious purposes, had recently been enforced, he made several more than usually virulent speeches. One of them, which was delivered at a meeting at Rustam, was for all practical purposes a defiance of the prohibitory order, since although nominally held in a mosque the audience, which was a large one, spread well beyond the confines of it. In this speech, which was an undisguisedly political one, Abdul Ghaffar Khan openly incited his audience to defy the prohibitory order and exhorted the members of it to regard themselves as subjected to a test by the passing of it.

On his return from Mardan, Abdul Ghaffar Khan held a large meeting at Takhtabad, which is within the limits of the Daudzai Police Thana in the Peshawar Tahsil, an area which has for some time past been a cause for anxiety. As a result of this meeting, in which Abdul Ghaffar Khan indulged in one of his more objectionable tirades against the ' Farangi,' the attitude towards Government has considerably deteriorated in this tract, and one of the immediate effects has been that a large number of defaulters, who had previously promised to pay up, have now refused to do so. Even among the Khans themselves there are a number who are withholding payment in the belief that the Red-Shirt campaign may force the hand of Government to grant further remission of revenue or, at all events, to write off arrears. Some of the refusals to pay have been made in such a manner as to suggest deliberate adoption of this form of civil disobedience. It is now reported that plans are in preparation to establish a Red-Shirt Tahsil with Red-Shirt officials, whose duty it will be to collect a cess from the cultivators amounting to one-tenth of the produce as a contribution to Red-Shirt funds. This movement is indeed one symptom of a general intensification of Red-Shirt propaganda against the payment of Government dues, and the attitude of Abdul Ghaffar Khan himself and his principal lieutenants justifies the conclusion that they are engaged in conducting what is an anti-revenue campaign in all but name. Propaganda is being organised in villages against the use of canal water for which water-tax is paid; parties have been sent out to tour the countryside, and in Charsadda,

Mardan, and even in the Sam Ranizai tract of the Malakand Agency, thumb impressions have been taken from cultivators as a pledge that they will not take canal water for the *rabi* crop until the rates are reduced."

(j) *Report for the second half of November.*

" A feature of Abdul Ghaffar Khan's latest speeches has been the increasingly frequent references in them to the approaching struggle, the necessity of being fully prepared for it and the possibility of his own arrest and that of other leaders.

" Propaganda against the taking of irrigation water continues in the canal areas of the Peshawar District. At a meeting held on the 22nd November at Utmanzai, at which Abdul Ghaffar Khan presided, it was decided to refuse to take water from Government canals in the Hashtnagar and Baizai areas in the Charsadda and Mardan sub-divisions for the *rabi* harvest, unless the water rates are reduced; and suggestions were put forward for picketing the water channels of those who refuse to abide by this decision. It is unlikely that the campaign will succeed in its professed object, namely, the prevention of the taking of water, and less likely perhaps that the threat of picketing will be put into actual effect, the main object, with which the instigators of the campaign will no doubt be content, being the working up of an agitation against the payment of water rates similar to that against the payment of land revenue. As regards the latter, instructions have now been issued to defaulters by Red-Shirt centre that they should not openly refuse to pay their dues, but should state that they are unable to do so. In Daudzai in the Peshawar Tahsil a proclamation has been issued by the local Red-Shirt leaders that a tahsil has been opened and that ' faslana ' should be paid by the zamindars to the local Red-Shirt centres."

(k) *Report for the first half of December.*

" The fortnight under report has seen a marked deterioration in the political situation in both the Peshawar and Bannu Districts, more particularly in the former. During the first part of the fortnight Abdul Ghaffar Khan carried out a village to village tour in the Khalil and Mohmand areas and part of the Nowshera subdivision in the Peshawar District, inspecting local organisations and warning them to be ready against the fast approaching day of trial. In the Khalil-Mohmand tract, where prohibitory orders under section 144, Criminal Procedure Code, are in force, not only have political meetings been held in mosques under the guise of ' Maulood Sharif,' but Abdul Ghaffar Khan has been welcomed in some of the villages by lines of Red Shirts drawn up on the roads by the beating of drums and the firing of salutes. On conclusion of the meetings the Red Shirts have in certain cases marched away in formation with banners flying and drums beating instead

of dispersing quietly. All this has been a deliberate defiance of the prohibitory orders.

" At Sheikh Ismail in the Nowshera sub-division a large Red-Shirt camp was held from the 7th to the 9th December. A number of tents were pitched and parades and inspections were held in the approved military style.

" On the 9th of December, in defiance of orders passed by the Political Agent, Malakand, prohibiting all meetings a Red-Shirt meeting was held at Skhakot in the Sam Ranizai area of the Agency. The meeting was presided over by Ghulam Mohamad Khan of Land Khwar in the Mardan sub-division, who made a dangerously inflammatory speech in which he incited the audience to violence and threatened to import Red Shirts from the Peshawar District into the Agency, unless certain individuals who had been arrested by the Political Agent for non-payment of water rates were released. This meeting was followed by another on the 14th of December at Badragga. A squadron of cavalry and a company of infantry have been sent to Dargai to steady the situation and as an earnest of support to the Sam Ranizai maliks who are willing to assist in the suppression of the movement. At the time of writing, however, the situation in Sam Ranizai is causing considerable anxiety.

" The latter part of the fortnight has been spent by Abdul Ghaffar Khan touring in the Swabi Tahsil of the Mardan sub-division, and here, as elsewhere in the Peshawar District, he has delivered a number of inflammatory speeches.

" In the Bannu District there has been a definite recrudescence of political agitation. Further meetings have been held in the Hathi Khel Wazir limits, at the last of which some highly provocative abuse was levelled at the maliks of the tribe. A petition was presented to the Deputy Commissioner by the leading men of the tribe asking that action should be taken immediately against the malcontent organisers of the meeting, since otherwise a breach of the peace was feared. Four of the organisers have been arrested and a prohibitory order under section 144, Criminal Procedure Code, which had previously been in force in this area, has been re-issued. Meetings have also been held in other parts of the district, at which more than usually inflammatory and seditious speeches were delivered. One of them, held at Daud Shah, just outside Bannu City, a village which was one of the worst centres of Congress activities in 1930, was attended by a party of volunteers, which, headed by a band, marched from the city. On their return in the evening they halted outside the cantonment police station and made a demonstration in front of it. In view of the general deterioration in the situation that has begun to manifest itself, the Deputy Commissioner has been authorised to re-issue the previous order under section 144, Criminal Procedure Code, whereby meetings, processions and demonstration were forbidden on or near

all the main roads of the district. The almost immediate advantage that has been taken of the lapse of this order as well as that in the Hathi Khel area has afforded clear proof of their necessity.

In the Peshawar District in areas that are but slightly affected by the Red Shirt movement revenue collections have improved. Elsewhere the Red Shirts are coming more and more out into the open and encouraging revenue payers to refuse to pay their dues. A striking instance of this was provided at Gumbat, a village in the Mardan sub-division. The Tahsildar sent for the various revenue defaulters to come and see him. They came late in the evening with a party of some 50 Red Shirts under the leadership of a Red Shirt " Captain " and surrounded the village guest-house in which the Tahsildar was staying. The revenue defaulters then came forward and all said they were unable to pay the demands which were in most cases trifling. The following morning a number of Red Shirts collected from the surrounding villages and admonished the revenue defaulters for not having made a definite refusal to pay the revenue. Warrants of attachment against the defaulters were promptly issued and a party of police was sent with the Tahsildar to enable him to attach the necessary property."

7. Abdul Ghaffar Khan has from time to time made attempts to spread his movement into the Punjab. The most serious of these occurred in the middle of November last when with 3,000 followers he made an incursion into the Chachch area of the Attock District. A serious collision was averted with difficulty, and on one occasion the police were in serious danger of injury. The object of the visit, as stated by Abdul Ghaffar Khan, was to secure the return of the Chachch Ilaqa to the North-West Frontier Province, a purpose which would inevitably lead to serious conflict between the Pathan and other tribes of that area, where feeling between them is already strong. The Punjab Government regarded these activities as fraught with grave danger and represented to the Government of India that in the interest of the peace of the Attock District it was necessary to prevent such incursions in future. The Government of India approved of any action the Punjab Government might think it necessary to take for this purpose.

8. There has throughout been a close connection between Congress and the Red Shirt movement. The activities of the latter during the civil disobedience campaign were approved and supported by Congress. Since the Delhi Settlement the connection has been strengthened. Abdul Ghaffar Khan on many occasions has represented himself as an adherent of Congress, and the latter on several occasions have sent representatives and workers to the province. In August last, discussions took place between the Working Committee of Congress on the one side and

Abdul Ghaffar Khan and other Red Shirt leaders on the other. As a result, the Working Committee made to the All-India Congress Committee the following recommendation, to which practical effect has been given :—

" It was agreed by the Frontier leaders that the present P. C. C. and the Afghan Jirga should coalesce and the new provincial organisation, formed in accordance with the Congress constitution, should represent the Congress in the Province. This newly elected committee will be the Frontier P. C. C. In the language of the Province it may be described as the Frontier Province Jirga. Similarly the district and the local Congress committees may be described as local Jirgas, the fact that they are Congress Committees being also clearly stated. The Khudai Khidmatgars, it was agreed, should become Congress volunteer organisations in accordance with the Working Committee's recent resolution. The name Khudai Khidmatgars may however be retained. The whole organisation should be conducted in accordance with the constitution, rules and programme of the Congress. The flag to be used henceforth will of course be the National Flag.

" At the request of the Working Committee the Frontier Leader, Khan Abdul Ghaffar Khan, has undertaken to shoulder the burden of leading the Congress movement in the Province."

9. The facts above given sufficiently indicate the nature of the movement organised by Abdul Ghaffar Khan in direct association with Congress and during the past few months as a recognised branch of the Congress organisation. Its main object was made clear immediately after the Delhi Settlement and has been consistently pursued ever since, namely, preparation for a fight with Government, the purpose of which was to achieve independence and drive out the British. Abdul Ghaffar Khan has made no secret of his purpose. It has been the main theme of many speeches and was stated in clear terms only a few days ago. Speaking on the 12th of December last he described his position as follows :—

" People complain against me for having joined the Congress by selling my nation. The Congress is a national and not a Hindu body. It is a jirga composed of Hindus, Jews, Sikhs, Parsis and Muslims. The Congress as a body is working against the British. The British nation is the enemy of the Congress and of the Pathans. I have therefore joined it and made common cause with the Congress to get rid of the British. They should not be deceived by the tactics of the Farangi."

This speech was made after the announcement of the Prime Minister relating to reforms in the North-West Frontier Province. The Prime Minister's offer had in fact already been specifically rejected at a meeting of the Peshawar City Jirga where a resolution was passed demanding complete independence. A similar resolution was passed at a meeting of the Frontier Provincial Jirga held at Utmanzai on the 20th December and Congress were at the same time urged to put an end to the truce and expressions

of sympathy were conveyed to Bengal and the United Provinces in their opposition to Government. Abdul Ghaffar Khan and his lieutenants have persistently rejected the path of constitutional advance and have declined to respond to the many efforts made to secure their co-operation. They have deliberately used the Delhi Settlement to organise a movement, the success of which would not only cause chaos in the province, but would make impossible any scheme of constitutional reform. For months past the local Administration have shown the utmost forbearance in dealing with the movement. In a situation, which has been a constant cause of anxiety, they have endeavoured to direct activities into constitutional channels and to secure the assistance of Abdul Ghaffar and other leaders. In spite of the failure of these efforts, they have refrained from taking special measures and have been content to use the ordinary law in the hope that its provisions would suffice to keep dangerous activities under control, until the introduction of constitutional reforms furnished a remedy. They have deliberately incurred grave risks in pursuance of this policy; for the dangers are clear of a movement of the nature described among a virile and excitable people living on the confines of British India and separated only by an invisible line from tribal territory where well-armed tribesmen are watching for the first signs of the breakdown of the existing order by which they have for so long been kept in check. They regret that it is no longer able to pursue this policy. There has been grave deterioration during the last few weeks. Abdul Ghaffar Khan has extended his activities into tribal territory on the one side and into the Punjab on the other. The Mohmands have been incited to disaffection; the spirit of hostility has been kept alive among the Afridis and efforts have been made to rouse defiance and revolt against all authority amongst the Usufzai of Swat. Abdul Ghaffar Khan has intensified his activities against the revenue administration; he has encouraged defiance of lawful orders and the spread of a general spirit of lawlessness. Above all, Abdul Ghaffar has carried on an intensive campaign in favour of a very early renewal of civil disobedience with the attainment of complete independence as its goal; his plans for this purpose included demonstrations in a very large scale in the immediate future. The excitement so engendered has risen during the past week to a dangerous height, and if it were allowed to increase the results must be extremely grave. In these circumstances the local Administration, with the full support of the Government of India, has been compelled to take measures to bring the movement under full control, and to restore to the province conditions in which the new constitution promised by the Prime Minister can be introduced with the minimum of delay. To this the Chief Commissioner has pledged himself and his officers, but it is clear that all the good will and forbearance cannot come from one side only, and that in order to bring that promise to fruition it is necessary to restore order and respect for law.

NOTE.—*The North-West Frontier Emergency Powers Ordinance*, 1931 (*XIII of* 1931), *the Unlawful Instigation* (*North-West*

Frontier Province) Ordinance, 1931 (*XIV of* 1931), *and the Unlawful Association (North-West Frontier Province) Ordinance,* 1931 (*XV of* 1931), *were promulgated on the 24th December,* 1931. *The terms of these Ordinances correspond closely to those of the Emergency Powers Ordinance,* 1932 (*II of* 1932), *the Unlawful Instigation Ordinance,* 1932 (*III of* 1932), *and the Unlawful Association Ordinance,* 1932 (*IV of* 1932), vide *pp.* 60-81. *Differences are indicated in footnotes on these pages.*

Correspondence between the Viceroy and Mr. Gandhi. 29th December, 1931—3rd January, 1932.

1. *Telegram from Mr. Gandhi to the Viceroy, dated the 29th December,* 1931.

I was unprepared on landing yesterday to find Frontier and U. P. Ordinances, shootings in Frontier and arrests of valued comrades in both, on top of Bengal Ordinance awaiting me. I do not know whether I am to regard these as indication that friendly relations between us are closed or whether you expect me still to see you and receive guidance from you as to course I am to pursue in advising Congress. I would esteem wire in reply.

2. *Telegram from the Private Secretary to the Viceroy to Mr. Gandhi, dated the 31st December,* 1931.

No. 306-*C.*—His Excellency desires me to thank you for your telegram of the 29th instant in which you refer to Bengal and United Provinces and N. W. F. P. Ordinances. In regard to Bengal it has been and is necessary for Government to take all possible measures to prevent dastardly assassination of their officers and of private citizens.

2. His Excellency wishes me to say that he and his Government desire to have friendly relations with all political parties and with all sections of the public and in particular to securing co-operation of all in great work of constitutional reforms which they are determined to push forward with minimum delay. Co-operation, however, must be mutual and His Excellency and his Government cannot reconcile activities of Congress in the United Provinces and N. W. F. P. with spirit of friendly co-operation which good of India demands.

3. As regards United Provinces you are doubtless aware that while the Local Government were engaged in devising means to give all possible relief in the existing situation, the Provincial Congress Committee authorised a no-rent campaign which is now being vigorously pursued by Congress organisations in that

province. This action on the part of Congress bodies has compelled Government to take measures to prevent a general state of disorder and spreading of class and communal hatred which campaign, if continued unchecked, would inevitably involve.

4. In North-West Frontier Province Abdul Gaffar Khan and bodies he controlled have continuously engaged in activities against Government and in fomenting racial hatred. He and his friends have persistently refused all overtures by the Chief Commissioner to secure their co-operation and rejecting the declaration of the Prime Minister, have declared in favour of complete independence. Abdul Gaffar Khan has delivered numerous speeches open to no other construction than as incitements to revolution and his adherents have attempted to stir trouble in tribal area. The Chief Commissioner with the approval of His Excellency's Government has shown utmost forbearance and to the last moment continued his efforts to secure assistance of Abdul Gaffar in carrying into effect with the least possible delay, the intentions of His Majesty's Government regarding constitutional reforms in the province. The Government refrained from taking special measures until activities of Abdul Gaffar Khan and his associates and in particular open and intensive preparation for an early conflict with Government created a situation of such grave menace to peace of province and of tribal areas as to make it impossible further to delay action. His Excellency understands that Abdul Gaffar Khan was in August last made responsible for leading Congress movement in province, and that volunteer organisations he controlled were specifically recognised by All-India Congress Committee as Congress organisations. His Excellency desires me to make it clear that his responsibilities for peace and order make it impossible for him to have any dealing with persons or organisations upon whom rests the responsibility for activities above outlined. You have yourself been absent from India on the business of Round Table Conference and in light of the attitude which you have observed there, His Excellency is unwilling to believe that you have personally any share in responsibility for or that you approve of recent activities of Congress in the United Provinces and North-West Frontier Province. If this is so, he is willing to see you and to give you his views as to the way in which you can best exert your influence to maintain a spirit of co-operation which animated proceedings of Round Table Conference, but His Excellency feels bound to emphasise that he will not be prepared to discuss with you measures which Government of India with the full approval of His Majesty's Government have found it necessary to adopt in Bengal, United Provinces and North-West Frontier Province. These measures must in any case be kept in force until they have served purpose, for which they were imposed, namely preservation of law and order essential to good Government. On receipt of your reply, His Excellency proposes to publish this correspondence.

3. *Telegram from Mr. Gandhi to the Private Secretary to the Viceroy, dated the 1st January*, 1932.

I thank His Excellency for wire in reply to mine of 29th ultimo. It grieves me. For His Excellency has rejected in a manner hardly befitting his high position, an advance made in friendliest spirit. I had approached as seeker wanting light on questions while I desired to understand Government version of very serious and extraordinary measures to which I made reference. Instead of appreciating my advance, His Excellency has rejected it by asking me to repudiate my valued colleagues in advance and telling me that even if I become guilty of such dishonourable conduct and sought an interview, I could not even discuss these matters of vital importance to the nation.

. In my opinion, constitutional issue dwindles into insignificance in face of ordinances and acts which must, if not met with stubborn resistance, end in utter demoralisation of nation. I hope no self-respecting Indian will run risk of killing national spirit for a doubtful contingency of securing a constitution to work which no nation with a stamina may be left. Let me also point out that as to the Frontier Province, your telegram contains a narration of facts which, on face of them, furnish no warrant for arrests of popular leaders, passing of extra legal ordinance, making life and property utterly insecure and shooting unarmed peaceful crowds for daring to demonstrations against arrests of their trusted leaders. If Khan Saheb Abdul Gaffar asserted the right of complete independence, it was a natural claim and the claim made with impunity by the Congress at Lahore in 1929 and by me, with energy put before the British Government in London. Moreover let me remind the Viceroy that despite knowledge on Government's part that Congress mandate contained such claim, I was invited attend London Conference as congress delegate. Nor am I able to detect in a mere refusal to attend Durbar an offence warranting summary imprisonment. If Khan Saheb was fomenting racial hatred, it was undoubtedly regrettable. I have his own declarations to the contrary made to me, but assuming that he did foment racial hatred, he was entitled to open trial, where he could have defended himself against accusation. Regarding United Provinces, His Excellency is surely misinformed, because there was no " no-rent " campaign authorised by Congress, but whilst negotiations were proceeding between Government and Congress representatives, the time for collection of rents actually arrived and rents began to be demanded. Congress men were therefore obliged to advise tenants to suspend payment pending the result of negotiations and Mr. Sherwani had offered on behalf of the Congress to withdraw this advice if the authorities suspended collections pending negotiations. I venture to suggest that this is not a matter which can be so summarily

dismissed as your wire has done. Controversy in the United Provinces is of a long standing and involves well-being of millions of peasantry known to be economically ground down. Any Government jealous of the welfare of the masses in its charge would welcome voluntary co-operation of a body like the Congress which admittedly exercises great influence over the masses and whose one ambition is to serve them faithfully and let me add that I regard the withholding of payment of taxes as an inalienable ancient and natural right of a people who have exhausted all other means of seeking freedom from an unbearable economic burden. I must repudiate suggestion that the Congress has slightest desire to promote disorder in any shape or form.

As to Bengal, the Congress is at one with the Government in condemning assassination and should heartily co-operate with the Government in measures that may be found necessary to stamp out such crimes. But whilst the Congress would condemn in unmeasured terms the methods of terrorism, it can in no way associate itself with Government terrorism as is betrayed by the Bengal Ordinance and acts done thereunder, but must resist within the limits of its proscribed creed of non-violence, such measures of legalised Government terrorism. I heartily assent to the proposition laid down in your telegram that co-operation must be mutual, but your telegram leads me irresistibly to the conclusion that His Excellency demands co-operation from the Congress without returning any on behalf of Government. I can read in no other way his peremptory refusal to discuss these matters which, as I have endeavoured to show, have at least two sides. Popular side I have put as I understand it, but before committing myself to definite judgment, I was anxious to understand the other side, i.e., the Government side, and then tender my advice to the Congress. With reference to the last paragraph of your telegram, I may not repudiate moral liability for the actions of my colleagues, whether in the Frontier Province or in the United Provinces, but I confess that I was ignorant of the detailed actions and activities of my colleagues whilst I was absent from India, and it was because it was necessary for me to advise and guide the Working Committee of the Congress and in order to complete my knowledge, I sought with an open mind and with the best of intentions an interview with His Excellency and deliberately asked for his guidance. I cannot conceal from His Excellency my opinion that the reply he has condescended to send was hardly a return for my friendly and well-meant approach, and if it is not yet too late, I would ask His Excellency to reconsider his decision and see me as a friend without imposing any conditions whatsoever as to the scope or subject of discussion and I, on my part, can promise that I would study with an open mind all the facts that he might put before me. I would unhesitatingly and willingly go to the respective provinces and with the aid of the authorities study both sides

of the question and if I came to the conclusion after such a study, the people were in the wrong and that the Working Committee including myself were misled as to the correct position, and that the Government was right, I should have no hesitation whatsoever in making that open confession and guiding the Congress accordingly. Along with my desire and willingness to co-operate with Government, I must place my limitations before His Excellency. Non-violence is my absolute creed. I believe that civil disobedience is not only the natural right of people, especially when they have no effective voice in their own Government, but that it also is an effective substitute for violence or armed rebellion. I can never, therefore, deny my creed. In pursuance thereof and on the strength of uncontradicted reports supported by recent activities of the Government of India to the effect that there may be no other opportunity for me to guide the public, the Working Committee has accepted my advice and passed resolutions tentatively sketching a plan of Civil Disobedience. I am sending herewith text of resolution. If His Excellency thinks it worth while to see me, operation of the resolution will be suspended pending our discussion in hope it may result in the resolution being finally given up. I admit that correspondence between His Excellency and myself is of such grave importance as not to brook delay in publication. I am, therefore, sending my telegram, your reply, this rejoinder and the Working Committee's resolution for publication.

[*Text of Resolution of Working Committee referred to above.*]

The Working Committee has heard Mahatma Gandhi's account of his visit to the West and considered the situation created by the extraordinary Ordinances promulgated in Bengal, United Provinces and the Frontier Province and by the actions of the authorities including the numerous arrests made among those of Khan Abdul Gaffar Khan, Mr. Sherwani and Pandit Jawaharlal Nehru and by the shootings in the Frontier Province of innocent men resulting in many deaths and many more being injured. The Working Committee has also seen the telegram from His Excellency the Viceroy in reply to the telegram sent by Mahatma Gandhi to him. The Working Committee is of opinion that these several acts and others of lesser gravity that have taken place in some other provinces and the telegram from His Excellency seem to make further co-operation with the Government on the part of the Congress utterly impossible unless the Government policy is radically changed. These acts and the telegram betray no intention on the part of bureaucracy to hand power to the people and are calculated to demoralise the nation. They also betray want of faith in the Congress from which co-operation is expected by the Government. The Working Committee yields to no one in its abhorrence of terrorism on any account whatsoever resorted to by individuals such as was recently witnessed in Bengal, but it

condemns with equal force terrorism practised by its recent acts and Ordinances. The Working Committee marks the deep national humiliation over the assassination committed by two girls in Comilla and is firmly convinced that such crime does great harm to the nation, especially when through its greatest political mouthpiece—the Congress— it is pledged to non-violence for achieving Swaraj. But the Working Committee can see no justification whatsoever for the Bengal Ordinance which seeks to punish a whole people for the crime of a few. The real remedy lies in dealing with the known cause that prompts such crime. If Bengal Ordinance has no justification for its existence the Ordinances in the United Provinces and the Frontier Province have still less. The Working Committee is of opinion that the measures taken by the Congress in the United Provinces for obtaining agrarian relief are and can be shown to be justified. The Working Committee holds that it is the unquestionable right of all people suffering from grave economic distress as the tenantry of the United Provinces is admittedly suffering to withhold payment of taxes if they fail as in the United Provinces they have failed to obtain redress by other constitutional methods. In the arrest and imprisonment of Mr. Sherwani, the President of the United Provinces Congress Committee, and Pandit Jawaharlal Nehru, the Working General Secretary of the Congress, who were proceeding to Bombay to confer with Mahatma Gandhi and to take part in the meeting of the Working Committee, the Government have gone even beyond the limits contemplated by their Ordinance in that there was no question whatsoever of these gentlemen taking part in Bombay in a no-tax campaign. In the United Provinces—so far as the Frontier Province is concerned on the Government's own showing there appears to be no warrant for either the promulgation of the Ordinance or the arrest and imprisonment without trial of Khan Abdul Gaffar Khan and his co-workers. The Working Committee regards the shootings in that Province of innocent and unarmed men to be wanton and inhuman and congratulates the brave men of the Frontier Province upon their courage and endurance and the Working Committee has no doubt that if the brave people of the Frontier Province retain their non-violent spirit in spite of the gravest provocations their blood and their sufferings would advance the cause of India's independence. The Working Committee calls upon the Government of India to institute a public and impartial enquiry into the events that have led up to the passing of these Ordinances the necessity of superseding the ordinary courts of Law and Legislative machinery and the necessity of several acts committed thereunder. And thereafter if a proper enquiry is set up and all facilities are given to the Working Committee for the production of evidence it will be prepared to assist the enquiry by leading evidence before it. The Working Committee has considered the declaration of the Prime

Minister made before the Round Table Conference and the debates in the Houses of Parliament and regards the declaration as wholly unsatisfactory and inadequate in terms of the Congress demand and places on record its opinion that nothing short of complete independence carrying full control over the defence and external affairs and finance with such safeguards as may be demonstrably necessary in the interests of the nation can be regarded by the Congress as satisfactory. The Working Committee notes that the British Government was not prepared at the Round Table Conference to regard the Congress as representing and entitled to speak and act on behalf of the nation as a whole without distinction of caste, creed or colour. At the same time the Committee recognises with sorrow that communal harmony could not be attained at the said conference. The Working Committee invites the nation therefore to make ceaseless effort to demonstrate the capacity of the Congress to represent the nation as a whole and promote an atmosphere that would make a constitution framed on a purely national basis acceptable to the various communities composing the nation. Meanwhile the Working Committee is prepared to tender co-operation to the Government provided His Excellency the Viceroy reconsiders his telegram and adequate relief is granted in respect of the Ordinances and its recent acts free scope is left to the Congress in any future further negotiations and consultations to prosecute the Congress claim for complete independence and the administration of the country is carried on in consultation with popular representatives, pending the attainment of such independence. The absence of any satisfactory response from the Government in terms of the foregoing paragraph the Working Committee will regard as an indication on the part of the Government that it has reduced to nullity the Delhi pact. In the event of a satisfactory response not forthcoming the Working Committee calls upon the nation to resume civil disobedience including non-payment of taxes under the following conditions and illustrative heads :—(1) No Province or district or tahsil or village is bound to take up civil disobedience unless the people thereof understand the non-violent nature of the struggle with all its implications and are ready to undergo sufferings involving loss of life and property—(2) Non-violence must be observed in thought, word and deed in the face of the gravest provocation, it being understood that the campaign is not one of seeking revenge or inflicting injuries on the oppressor but it is one of converting him through self-suffering and self-purification—(3) Social boycott with the intention of inflicting injury on Government Officers, police or anti-nationalists should not be undertaken and is wholly inconsistent with the spirit of non-violence—(4) It should be borne in mind that non-violent campaigns are independent of pecuniary assistance therefore there should be no hired volunteers but their bare maintenance and maintenance of the dependents of poor

men and women who might have been imprisoned or killed is permissible wherever it is possible. The Working Committee, however, expects workers in the cause to continue the struggle even though they might have to suffer privations—(5) Boycott of all foreign cloth whether British or of other countries is obligatory under all circumstances—(6) All Congress men and women are expected to use handspun and handwoven khaddar to the exclusion of even cloth manufactured in the indigenous mills—(7) Picketing of liquor shops and foreign cloth shops should be vigorously conducted chiefly by women but always so as to ensure perfect non-violence—(8) Unlicensed manufacture and collection of salt should be resumed—(9) If processions and demonstrations are organised only those should join them who will stand *lathi* charges or bullets without moving from their respective places—(10) Even in non-violent war boycott of goods manufactured by the oppressor is perfectly lawful inasmuch as it is never the duty of the victim to promote or retain commercial relations with the oppressor. Therefore boycott of British goods and concerns should be resumed and vigorously prosecuted—(11) Civil breach of non-moral laws and of laws and order injurious to the people wherever it is considered possible and advisable may be practised—(12) All unjust orders issued under the Ordinances may be civilly disobeyed."

4. *Telegram from the Private Secretary to His Excellency the Viceroy to Mr. Gandhi, dated the 2nd January*, 1932.

No. 3-*S.*—His Excellency desires me to acknowledge receipt of your telegram of 1st January which has been considered by him and his Government.

They much regret to observe that under your advice the Congress Working Committee has passed a resolution which involves general revival of Civil Disobedience unless certain conditions are satisfied which are stated in your telegram and the resolution.

They regard this attitude as the more deplorable in view of the declared intentions of His Majesty's Government and Government of India to expedite the policy of constitutional reform contained in the Premier's statement.

No Government, consistent with the discharge of their responsibility, can be subject to condition sought to be imposed under the menace of unlawful action by any political organisation, nor can the Government of India accept the position implied in your telegram that their policy should be dependent on the judgment of yourself as to necessity of measures which Government have taken after the most careful and thorough consideration of the facts and after all other possible remedies had been exhausted.

His Excellency and his Government can hardly believe that you or the Working Committee contemplate that His Excellency can invite you, with the hope of any advantage, to an interview held under the threat of resumption of Civil Disobedience.

They must hold you and the Congress responsible for all the consequences that may ensue from the action which the Congress have announced their intention of taking and to meet which Government will take all necessary measures.

5. *Telegram from Mr. Gandhi to the Private Secretary to the Viceroy, dated the 3rd January*, 1932.

Thanks your wire even date. I cannot help expressing deep regret for decision of His Excellency and his Government. Surely it is wrong to describe honest expression opinion as threat. May I remind Government that Delhi negotiations were opened and carried on whilst civil disobedience was on and that when pact was made civil disobedience was not given up but only discontinued. This position was reasserted and accepted by His Excellency and his Government in Simla in September last prior to my departure for London. Although I had made it clear that under certain circumstances Congress might have to resume civil disobedience Government did not break off negotiations. That it was made clear by Government that civil disobedience carried with it penalty for disobedience merely proves what civil resisters bargain for but does not in any way affect my argument. Had Government resented attitude it was open to them not to send me to London. On the contrary my departure had His Excellency's blessings. Nor is it fair or correct to suggest that I have ever advanced the claim that any policy of Government should be dependent on my judgment. But I do submit that any popular and constitutional Government would always welcome and sympathetically consider suggestions made by public bodies and their representatives and assist them with all available information about their acts or ordinances of which public opinion may disapprove. I claim that my messages have no other meaning than what is suggested in last paragraph. Time alone will show whose position was justified. Meanwhile I wish to assure Government that every endeavour will be made on part of Congress to carry on struggle without malice and in strictly non-violent manner. It was hardly necessary to remind me that Congress and I its humble representative are responsible for all the consequences of our actions.

Statement issued by the Government of India on the 4th January, 1932.

The Government of India desire at the present crisis to place before the public the issues raised by the attitude of Congress and their declared intention to launch a general campaign of civil disobedience. It is the policy of His Majesty's Government and the Government of India to secure, in the framing of a constitution for India, the maximum co-operation and agreement of all parties and interests in England and in India, and it was with this object that the procedure by Conference was adopted. In December, 1929, the Congress deliberately rejected this method in favour of the barren road of no-co-operation, and a few months later they initiated the campaign of civil disobedience. The consequent loss of life and property and the damage caused to business and trade are fresh in the memory of the public. The movement continued until the beginning of March, 1931, by which time, owing partly to the measures taken to meet it and partly to the steadily decreasing support of the public, it had ceased to be a cause of anxiety to Government. In the meantime, the Prime Minister had made his declaration of the 19th of January, 1931, and the Government of India, with the approval of His Majesty's Government, decided to make a further effort to secure the co-operation of the Congress in bringing to fruition the policy which he had announced. The result was the Delhi Settlement of 5th March, 1931. The primary object of that Settlement was to give to Congress the opportunity of participation in the further discussions of the Round Table Conference, and through the anxious months that followed the Government of India kept that purpose steadfastly in view. They and the local Governments scrupulously observed the terms of the Settlement, and spared no effort to surmount the difficulties which the activities of Congress continuously placed in the way of the establishment of peaceful conditions. Some of those difficulties have been described in the statements issued by the Government of the United Provinces, on the 14th December,* 1931, and by the Chief Commissioner of the North-West Frontier Province on the 24th† and 30th‡ of December, 1931, but they were not confined to those provinces. They were evident in varying degrees in every province and the Government of India have on record many instances of specific breaches of the Delhi Settlement. It is, however, more to the general trend of Congress policy than to individual cases that they now wish to refer. Within a few days of the Delhi Settlement, two features became manifest, and have since been continuously in evidence. The first was the organised attempt to utilise the Settlement as a means of preparation for a further conflict. The second was the exploitation of the

* Vide page 3. † Vide page 20. ‡ Vide page 24.

Settlement for the purpose of adding to the prestige of Congress, and of securing for them and its members a position of privilege, not enjoyed by any other organisation or by members of the general public. Preparations for a renewal of civil disobedience have been openly carried on. Their excuse has been the assumed futility of the Round Table Conference and the bad faith of British statesmen. Allegations to this effect have continuously been made by the Congress press and by responsible Congress leaders. There has been no disposition to await events or to show a spirit of confidence without which true co-operation was impossible. Behind the screen of distrust so created, the Congress have conducted preparations for a new campaign. They have laid particular stress on the consolidation of their position in rural areas, and in every province they have missed no opportunity to exploit the economic situation for that purpose. They have extended their volunteer organisations, and in the North-West Frontier Province they raised through Abdul Ghaffar Khan (who was recognised by the All-India Congress Committee as the leader of the Congress movement in that province) a very large body of men who were trained in expectation of a struggle with Government. The dangers of this "war mentality" were evident to Government, and Congress could not have been ignorant of them. They were, in fact, brought to the notice of Mr. Gandhi on several occasions, and, in particular, the menace to the Delhi Settlement, involved in the Red Shirt movement in the North-West Frontier Province and the agrarian agitation in the United Provinces, were strongly represented to him. While the Round Table Conference was still in session, a no-rent campaign was started in the United Provinces. A little later, preparations for a conflict in the North-West Frontier Province were so intensified as to create a situation of grave danger, to meet which Government were compelled to abandon the policy of forbearance which they had hitherto pursued.

The exploitation of the Settlement for the purpose of securing to the Congress a privileged position has taken various forms. During the months that followed the Delhi Settlement, the Government of India had persistently to contest claims, the acceptance of which would have involved one or other of the following consequences :—

(*a*) Fettering their own discretion and that of local Governments in the discharge of their responsibilities for the maintenance of law and order.

(*b*) Placing members of the Congress who offended against the law in a favourable position in comparison with other members of the public in similar circumstances.

(*c*) The recognition of Congress as a body whose advice must be accepted in matters relating to land revenue and rent.

(*d*) Generally, the acceptance of the principle that the Settlement of 5th March gave to Congress a status which entitled it to more favourable treatment than is accorded by

Government to any other association—political or otherwise, and constituted it an intermediary between the Government and the people.

Side by side with this intervention in the administration of the country, the Congress have in various ways interfered with private liberty and the freedom of trade. Under the guise of peaceful persuasion, they have employed the methods of intimidation and coercion to impose on individuals and concerns an intolerable system of tyranny.

2. In their determination to assist towards the peaceful solution of constitutional problems, the Government of India showed deliberate forbearance towards Congress activities. They refrained from denouncing the Delhi Settlement, although justification for such a course was given on many occasions, and they persisted with success in their endavours to obtain a *modus vivendi* which would enable Mr. Gandhi to attend the Round Table Conference. In the Statement delivered on the 1st of December last, the Prime Minister renewed the pledges he had given in the previous January. In one direction he made an important advance. He gave an assurance that, with due regard to the necessary requirements of the Frontier, the North-West Frontier Province would be constituted a Governor's Province of the same status as other Governors' Provinces, and he further announced that, pending the introduction of the new constitution in other provinces, necessary steps would be taken, as soon as may be, to apply to the Province the provisions of the present Government of India Act relating to Governors' Provinces. This declaration was made with the full support of the Government of India and is an earnest of the good faith with which they have approached and will continue to approach the question of constitutional advance. A few days after the declaration of the Prime Minister, Parliament by an overwhelming majority accepted the policy which the National Government had announced. Among other commitments was the undertaking to expedite the scheme of constitutional advance, and to this end to set up various Committees to deal with specific aspects of the problem. In pursuance of this pledge, the Committees are now in course of constitution and the representatives of British parties will sail for India on 15th January. The Government of India, on their part, are doing all that is possible to push forward the work. In particular, they are taking steps which, they believe, will secure for the North-West Frontier Province within a few months the present status of a Governor's Province.

3. The position when Mr. Gandhi returned to India was thus briefly as follows. His Majesty's Government and Parliament were committed to a scheme of constitutional reform which had been accepted as reasonable by the great majority of Delegates to the Round Table Conference. They had further given an undertaking that they would make every effort to overcome as quickly

as possible the practical difficulties in the way of its immediate realisation and, in pursuance of this, they had set up the machinery by which some of those difficulties can be solved. The Government of India were pledged to assist and expedite the work by all means in their power. Mr. Gandhi had given no clear indication of whether he or the Congress, whom he represented, were willing to co-operate in the fulfilment of the scheme of His Majesty's Government. In the meantime, Congress had precipitated a conflict with Government in the United Provinces and in the North-West Frontier Province, and proposals had been initiated to start a campaign elsewhere for the boycott of British goods and institutions. The main issue before Government was whether Congress were prepared or not to co-operate in further constitutional discussions; and it was essential to ascertain their attitude and that of Mr. Gandhi towards this fundamental question. It was plain that there could be no co-operation in any accepted sense of the term so long as activities in the United Provinces and the North-West Frontier Province continued. It was also clear that there could be no co-operation under a continuous menace of the renewal of civil disobedience. The telegram of Mr. Gandhi of the 1st of January and the resolutions of the Working Committee of Congress passed under his advice have left no doubt on this issue. Under the specific threat of a general renewal of civil disobedience the programme of which has been announced the Government of India have been asked to accept conditions which would make Mr. Gandhi the arbiter of measures necessary for the maintenance of law and order, and which would leave Congress free to pursue their subversive activities as seemed fit to them. The measure of the co-operation which Congress would extend in return for the acceptance of these conditions is indicated by the announcement of the Working Committee. They have pronounced the declaration of the Prime Minister to be wholly unsatisfactory and inadequate in terms of the Congress demands, and they have demanded that if their co-operation be accepted, free scope be given to them to prosecute their claim to complete independence. There was clearly no alternative left to the Government of India but to reject these demands and to take all measures that were necessary to meet the campaign of civil disobedience.

4. Mr. Gandhi has stated as part of his creed that civil disobedience is not only the natural right of the people, especially when they have no effective voice in their own Government, but that it is also an effective substitute for violence or armed rebellion. Experience has proved time and again that in this country civil disobedience cannot be carried on without violence and Mr. Gandhi himself has spoken of the sacrifice of a million lives. The civil disobedience as conceived and as practised by Congress is to paralyse the administration, and to inflict the maximum of harm on Government, regardless of the loss it may entail to private individuals. It

is opposed to all constitutional principles, and if it achieved its object it would make any form of Government impossible. In using their full resources against it the Government of India are, therefore, fighting the battle, not only of the present Government, but of the governments of the future. It is particularly incumbent upon them at the present juncture to oppose with their full power a movement which would make constitutional advance impossible. It is their duty to hand over to the new order a working administration, and to this end to resist, with all their might, forces which would create a state of anarchy and chaos. The peaceful progress of India depends on the maintenance of the authority of Government and of respect for the law whatever that Government may be, and the present Government of India would fail lamentably in their obligations to their successors if, during a period of transition, they allowed this fundamental principle to go by default, or were content to permit the usurpation of their functions by any political organisation.

An issue of hardly less importance is whether a political organisation is to be allowed by lawless means to impose its will on the public, large sections of which deny its authority and oppose its pretensions. Government would fail in their duty were they to countenance the claims of Congress to control and domination, or permit them, in effect, to assume the position of a parallel government.

5. The issues before the country are plain. On the one side there is a body to which has twice been offered an opportunity, without precedent, of assisting towards the political advancement of the country. It has twice rejected the offer and has twice chosen to follow the path of destruction rather than of constructive effort. It is determined to inflict untold harm on the country in the pursuit of a position of domination which whole classes of the people will not accept. It persists in methods which, if successful, would uproot the foundations of all government, and would render impossible any system of orderly administration now and in the future.

On the other side, there is the opportunity of co-operation in the great work of constitutional reform to which His Majesty's Government and Parliament are pledged. The Government of India are equally pledged to press forward the work, and this they will do undeterred by the threats of Congress. While they will take every measure that is necessary for the suppression of a lawless movement and for the protection of public and private liberty, they will also spare no effort to bring to completion the policy of His Majesty's Government.

In this task they appeal for the co-operation of all who have at heart the peace and happiness of the people of India and who, rejecting the methods of revolution, desire to follow to its certain goal the path of constitutional advance.

ORDINANCE No. II OF 1932.

An Ordinance to confer special powers on Government and its Officers for the purpose of maintaining law and order.

Whereas an emergency has arisen which makes it necessary to confer special powers upon Government and its officers for the purpose of maintaining law and order;

Now, therefore, in exercise of the power conferred by section 72 of the Government of India Act, the Governor-General is pleased to make and promulgate the following Ordinance :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1.—(1) This Ordinance may be called the Emergency Powers Ordinance, 1932.

(2) This section and section 63 extend to the whole of British India, including British Baluchistan and the Sonthal Parganas, and the remaining provisions of this Ordinance shall extend only to such provinces or parts of provinces as the Governor-General in Council may, by notification in the Gazette of India, specify.*

(3) This section and section 63 shall come into force at once, and the Local Government may, by notification in the local official Gazette, direct that any or all of the remaining provisions shall come into force in any area to which they have been extended, on such date as may be appointed in the notification.

Definitions.

2. In this Ordinance, unless there is anything repugnant in the subject or context,—

V of 1898.

(1) " the Code " means the Code of Criminal Procedure, 1898; and

(2) " District Magistrate " means, in the case of a Presidency-town or the town of Rangoon, the Commissioner of Police.

CHAPTER II.

EMERGENCY POWERS.

Power to arrest and detain suspected persons.

3.—(1) Any officer of Government authorised in this behalf by general or special order of the Local Government may, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or peace, arrest such person without warrant, and may, in so doing, use any means that may be necessary.

*** The Ordinance was extended to Bombay and Bengal on the 4th of January, to the United Provinces on the 8th of January and to the Punjab on the 12th of January and to Delhi on the 6th February.**

(2) An officer making an arrest under this section shall forthwith report the fact to the Local Government and may, by order in writing, commit any person so arrested to such custody as the Local Government may, by general or special order, specify in this behalf :

Provided that no person shall, unless the Local Government by special order otherwise directs, be so detained in custody for a period exceeding fifteen days :

Provided further that no person shall be so detained in custody for a period exceeding two months.

Power to control suspected persons.

4.—(1) The Local Government, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or peace* [or in furtherance of a movement prejudicial to the public safety or peace], may, by order in writing, give any one or more of the following directions, namely, that such person—

(*a*) shall not enter, reside or remain in any area specified in the order ;

(*b*) shall reside or remain in any area specified in the order ;

(*c*) shall remove himself from, and shall not return to, any area specified in the order ;

(*d*) shall conduct himself in such manner, abstain from such acts, or take such order with any property in his possession or under his control, as may be specified in the order.

(2) An order made under sub-section (1) shall not, unless the Local Government by special order otherwise directs, remain in force for more than one month from the making thereof.

(3) An order made under sub-section (1) shall be served on the person to whom it relates in the manner provided in the Code for service of a summons.

Power to take possession of buildings.

5.—(1) If, in the opinion of the Local Government, any land or building can be utilised as quarters or offices for public servants, or for the accommodation of troops or police, or for the purpose of giving effect to this Ordinance or any order made thereunder, or otherwise for the public advantage, the Local Government may, by order in writing, require the occupier or other person in charge of the land or building to place it at the disposal of Government at such time as may be specified in the order, together with the whole, or any part specified in the order, of any fixtures, fittings, furniture or other things for the time being in the building ; and the Local Government may dispose of or use such land, building, fixtures, fittings, furniture or other things in such manner as it may consider expedient.

(2) In this section " building " includes any portion or portions of a building whether separately occupied or not.

---

* The words in brackets are not contained in the North-West Frontier Emergency Powers Ordinance 1931, (Ordinance No. XIII. of 1931).

Power to prohibit or limit access to certain places.

6. The District Magistrate may, by order in writing, prohibit or limit, in such way as he may think necessary for the public advantage, access to any building or place in the possession or under the control of Government or of any railway administration or local authority, or to any building or place in the occupation, whether permanent or otherwise, of His Majesty's Naval, Military or Air Forces or of any police force, or to any place in the vicinity of any such building or place.

Power to prohibit or regulate traffic.

7. The District Magistrate may, by order in writing, prohibit or regulate, in such way as he may think necessary for the public advantage, traffic over any road, pathway, bridge, waterway or ferry.

Power to control supply of commodity of general use.

8.—(1) If, in the opinion of the Local Government, it is necessary for the public advantage to control the supply of any commodity of general use in any area to which this section applies, the Local Government may, by notification in the local official Gazette, make a declaration to that effect.

(2) In any area to which a declaration under sub-section (1) extends, the Local Government may exercise all or any of the following powers in regard to the commodity to which the declaration relates, namely :—

(*a*) it may, by general or special order in writing, require any trader to make a return in such form and within such time and to such authority as may be specified in the order of the stocks of such commodity held by him or consigned to him or under order on his account; of any contracts for the supply to or by him of such commodity or for or in connection with the production or manufacture of such commodity, and of any other dealing by him therein; of the persons with whom and the prices at which any such contracts or other dealings were made or had or the prices at which such commodity has been bought or sold by him; of the cost of production of such commodity, so far as it may be known to him, and the profits usually made or expected by him on the sale thereof; and of any other matters specified in the order with respect to which, in the opinion of the Local Government, it is desirable to obtain information for the purpose of controlling the price of such commodity;

(*b*) it may, by notification in the local official Gazette, prescribe the conditions under which (including the maximum price at which and the persons by whom and to whom) such commodity may be sold; and such conditions may be general for the whole area or may vary as regards different localities therein, and different conditions may be prescribed for different classes of such commodity;

(*c*) it may, by order in writing, require a trader to place the whole or any portion of his stock, whether immediately available or not, at the disposal of the Local Government at

such time and place and in such manner as may be specified in the order, on receiving payment therefor at the price or prices fixed under clause (*b*).

(3) In this section " trader " includes a manufacturer, producer, warehouse-keeper or vendor, and, in the case of a vendor, a wholesale or retail vendor whether acting on his own behalf or on behalf of any other person, and, if not acting on his own behalf, the person on whose behalf he is acting.

Power to take possession of moveables.

9. If, in the opinion of the Local Government, any product, article or thing, or any class of product, article or thing, can be utilised for the public advantage, the Local Government may, by order in writing, require any owner or person in charge of such product, article or thing to place it at the disposal of Government at such time and place as may be specified in the order; and the Local Government may dispose of or use it in such manner as it may consider expedient.

Power to regulate means of transport.

10.—(1) The District Magistrate may, by order in writing, require any person to make, in such form and within such time and to such authority as may be specified in the order, a return of any vehicles or means of transport owned by him or in his possession or under his control.

(2) The District Magistrate, if, in his opinion, it is necessary for the public advantage, may, by order in writing, require any person owning or having in his possession or under his control any vehicle or means of transport to take such order therewith for such period as may be specified in the order.

Powers regarding arms, ammunition, etc.

11.—(1) The District Magistrate may, by order in writing published in such manner as he thinks best adapted for informing the persons concerned—

(*a*) prohibit, either absolutely or subject to such exception as may be specified in the order, the purchase, sale or delivery of, or other dealing in, any arms, parts of arms, ammunition or explosive substances; or

(*b*) direct that any person owning or having in his possession or under his control any arms, parts of arms, ammunition or explosive substances, shall keep the same in a secure place approved by the District Magistrate or remove them to any place specified in the order.

(2) The District Magistrate may take possession of—

(*a*) any arms, ammunition or explosives, or

(*b*) any tools, machinery, implements or other material of any kind, likely, in his opinion, to be utilised, whether by the owner or by any other person, for the purpose of causing unlawful hurt or damage to any person or to any property of Government or of any railway administration or of any local authority,

any may make such orders as he may think fit for the custody and disposal thereof.

Power to employ additional police.

12. Any officer of Government authorised in this behalf by general or special order of the Local Government may, within any area specified in such order, appoint persons as special police officers; and any person so appointed shall be deemed to have been appointed as a special police officer in accordance with the provisions of any enactment relating to the appointment of special police officers in force in that area.

Power to require the assistance of certain persons.

13. Any officer of Government authorised in this behalf by general or special order of the Local Government may, within any area specified in such order, require any landholder, village headman, lambardar, inamdar or jagirdar, or any officer or servant of any local authority, or any teacher in any school, college or other educational institution to assist in the restoration and maintenance of law and order and in the protection of property in the possession or under the control of Government or of any railway administration or local authority in such manner and within such limits as the officer so authorised may specify.

Power to control public utility services.
VII of 1929.

14. If, in the opinion of the Local Government, it is necessary for the public advantage to secure the continuance of any public utility service, as defined in section 2 of the Trade Disputes Act, 1929, other than a public utility service owned by Government, the Local Government may—

(*a*) by order in writing, require the owner or person in charge of the utility service or of any thing ancillary thereto, or the person in control of any establishment ancillary thereto, to take or abstain from such action in respect of the supply of such service as may be specified in the order; or

(*b*) after giving notice in writing to the owner or person in charge of the utility service or of any thing ancillary thereto or to the person in control of any establishment ancillary thereto or, if such owner or person has disobeyed, or neglected to comply with, an order made under clause (*a*), without such notice, assume control of such service, thing or establishment, and take such order therewith as may, in the opinion of the Local Government, be necessary to secure the continuance of such service.

Power to control posts and telegraphs.

15. The District Magistrate, if, in his opinion, it is necessary for the public advantage, may, in consultation with the chief postal authority in the district, control the operation of any post, telegraph, telephone or wireless office or station and, in particular, may intercept any postal article or telegraphic, telephonic or wireless message in the course of transmission, may ascertain its contents and may prohibit its further transmission.

Power to regulate the use of railways and vessels.

16. The District Magistrate may—

(*a*) require accommodation to be provided on any railway train or any vessel for any passengers or goods, and, for this purpose, exclude from such train or vessel any passengers or goods which it is already carrying or about to carry;

(*b*) require that any specified persons or classes of persons or persons proposing to travel to specified destinations, or any specified goods or classes of goods or goods consigned to specified destinations, shall not be carried on any railway or vessel;

(*c*) exclude or eject any passenger from any train or vessel;

(*d*) stop, or prohibit the stopping of, trains or vessels at any station; or

(*e*) in consultation with the local railway authorities, require special trains to be provided for the conveyance of troops, police or other persons.

Power to secure reports of public meetings.

17. The District Magistrate may, by order in writing, depute one or more police officers, not below the rank of head constable, or other persons, to attend any public meeting for the purpose of causing a report to be made of the proceedings, and may, by such order, authorise the persons so deputed to take with them an escort of police officers.

Explanation.—For the purposes of this section a public meeting is any meeting which is open to the public or to any class or portion of the public, and a meeting may be a public meeting notwithstanding that it is held in a private place and notwithstanding that admission thereto is restricted by ticket or otherwise.

Power to issue search-warrants.

18. The power to issue search-warrants conferred by section 98 of the Code shall be deemed to include a power to issue warrants authorising—

(*a*) the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence under this Ordinance or any act prejudicial to the public safety or peace has been, is being or is about to be committed, or that preparation for the commission of any such offence or act is being made;

(*b*) the seizure in or on any place searched under clause (*a*) of anything which the officer executing the warrant has reason to believe is being used, or is intended to be used, for any purpose mentioned in that clause;

and the provisions of the Code shall, so far as may be, apply to searches made under the authority of any warrant issued, and to the disposal of any property seized, under this section.

General power of search.

19. Any authority on which any power is conferred by or under this Chapter may, by general or special order, authorise any person to enter and search any place the search of which such authority has reason to believe to be necessary for the purpose of—

(*a*) ascertaining whether it is necessary or expedient to exercise such power; or

(*b*) ascertaining whether any order given, direction made, or condition prescribed in the exercise of such power has been duly complied with; or

(c) generally, giving effect to such power or securing compliance with, or giving effect to, any order given, direction made or condition prescribed in the exercise of such power.

Power to give effect to orders if disobeyed.

20. If any person disobeys or neglects to comply with an order made, direction given, or condition prescribed, in accordance with the provisions of this Chapter, the authority which made the order, gave the direction or prescribed the condition may take or cause to be taken such action as it thinks necessary to give effect thereto.

CHAPTER III.

PENALTIES.

Penalty for disobeying order under section 4.

21. Whoever disobeys or neglects to comply with any order made or direction given in accordance with the provisions of section 4 shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

Penalty for disobeying other orders under Chapter II.

22. Subject to the provisions of section 21, whoever disobeys or neglects to comply with any order made, direction given, or condition prescribed in accordance with the provisions of Chapter II, or impedes the lawful exercise of any power referred to in that Chapter, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

Tampering with public servants.

23. Whoever induces or attempts to induce any public servant or any servant of a local authority or any railway servant to disregard or fail in his duty as such servant shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

Dissuasion from enlistment.

24. Whoever dissuades or attempts to dissuade any person from entering the military or police service of His Majesty shall be punishable with imprisonment which may extent to one year, or with fine, or with both.

Dissemination of false rumours.

25. Whoever by words, whether spoken or written, or by signs or by visible or audible representations or otherwise publishes any statement, rumour or report which is false and which he has no reasonable ground to believe to be true, with intent to cause or which is likely to cause fear or alarm to the public or to any section of the public, or hatred or contempt towards any public servant, or any class of His Majesty's subjects, shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

Imposition of collective fine on inhabitants of turbulent areas.

26.—(1) Where it appears to the Local Government that the inhabitants of any area are concerned in the commission of offences or other acts which are prejudicial to the maintenance of law and order or to the public revenues, or are harbouring persons concerned in the commission of such offences or acts, the Local Government may, by notification in the local official Gazette, impose a collective fine on the inhabitants of that area.

(2) The Local Government may exempt any person or class or section of such inhabitants from liability to pay any portion of such fine.

(3) The District Magistrate, after such inquiry as he may deem necessary, shall apportion such fine among the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the District Magistrate's judgment of the respective means of such inhabitants.

(4) The portion of such fine payable by any person may be recovered from him as a fine or as arrears of land revenue.

(5) The Local Government may award compensation out of the proceeds of a fine realised under this section to any person who, in the opinion of the Local Government, has suffered injury to person or property by the unlawful acts of the inhabitants of the area.

Explanation.—For the purposes of this section, the "inhabitants" of an area includes persons who themselves or by their agents or servants occupy or hold land or other immoveable property within such area, and landlords who themselves or by their agents or servants collect rents from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

Dissemination of contents of proscribed documents.

27. Whoever publishes, circulates or repeats in public any passage from a newspaper, book or other document copies whereof have been declared to be forfeited to His Majesty under any other law for the time being in force, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

Power to direct payment by parent or guardian of fine imposed on a young person.

28.—(1) Where any young person under the age of sixteen years is convicted by any Court of an offence under this Ordinance or of an offence which in the opinion of the Court has been committed in furtherance of a movement prejudicial to the public safety or peace, and such young person is sentenced to fine, the Court may order that the fine shall be paid by the parent or guardian of such young person as if it had been a fine imposed upon the parent or guardian:

Provided that no such order shall be made unless the parent or guardian has had an opportunity to appear before the Court and be heard.

(2) In any such case the Court may direct by its order that in default of payment of the fine by the parent or guardian, the parent or guardian shall suffer imprisonment as if the parent or guardian had himself been convicted of the offence for which the young person is convicted.

CHAPTER IV.

Special Criminal Courts.

Special Courts.

29. Courts of criminal jurisdiction may be constituted under this Ordinance of the following classes, namely:—

(i) Special Judges;

(ii) Special Magistrates;

(iii) Summary Courts.

Special Judges.

30. The Local Government may appoint to be a Special Judge for such area as it may think fit any officer who has acted for a period of not less than two years in the exercise of the powers of a Sessions Judge under the Code.

Jurisdiction of Special Judges.

31. Subject to the provisions of section 47, a Special Judge shall try such offences as the Local Government, or an officer empowered by the Local Government in this behalf, may, by general or special order in writing, direct.

Procedure of Special Judges.

32.—(1) A Special Judge may take cognizance of offences without the accused being committed to his Court for trial, and, in trying accused persons, shall follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates:

Provided that a Special Judge may make a memorandum only of the substance of the evidence of each witness examined, and shall not be bound to adjourn any trial for any purpose unless such adjournment is, in his opinion, necessary in the interests of justice.

(2) In matters not coming within the scope of sub-section (1), the provisions of the Code, so far as they are not inconsistent with this Ordinance, shall apply to the proceedings of a Special Judge; and, for the purposes of the said provisions, the Court of the Special Judge shall be deemed to be a Court of Session.

Sentences by Special Judges.

33. A Special Judge may pass any sentence authorised by law.

Appeals and confirmation. IX of 1908.

34.—(1) An appeal shall lie in the case of any sentence passed by a Special Judge of death or of transportation or imprisonment for a term of two years or more, and the provisions of the Code and of the Indian Limitation Act, 1908, shall apply in respect of such appeal as if it were an appeal under the Code from a sentence passed by a Court of Session exercising jurisdiction in the area in which the offence was committed.

(2) A sentence of death passed by a Special Judge shall be subject to confirmation in the manner provided in the Code for the confirmation of a sentence of death passed by a Court of Session.

Special Magistrates.

35. Any Presidency Magistrate or Magistrate of the first class who has exercised powers as such for a period of not less than two years may be invested by the Local Government with the powers of a Special Magistrate under this Ordinance.

Jurisdiction of Special Magistrates.

36. Subject to the provisions of section 47, a Special Magistrate shall try such offences, other than offences punishable with death, as the Local Government or an officer empowered by the Local Government in this behalf may, by general or special order in writing, direct.

Procedure of Special Magistrates.

37.—(1) In the trial of any case under this Ordinance, a Special Magistrate shall follow the procedure laid down in sub-section (1) of section 32 for the trial of cases by a Special Judge.

(2) In matters not coming within the scope of sub-section (1), the provisions of the Code, so far as they are not inconsistent with this Ordinance, shall apply to the proceedings of a Special Magistrate; and for the purposes of the said provisions the Special Magistrate shall be deemed to be a Magistrate of the first class.

38. A Special Magistrate may pass any sentence authorised by law, except a sentence of death or of transportation or imprisonment exceeding seven years. Sentences by Special Magistrates.

39.—(1) Where a Special Magistrate passes a sentence of transportation or imprisonment for a term exceeding one year, or of fine exceeding one thousand rupees, an appeal shall lie to the Court of Session, unless the Special Magistrate passes a sentence of transportation exceeding one year or a sentence of imprisonment exceeding four years, in which case the appeal shall lie to the High Court. Appeals.

(2) An appeal under sub-section (1) shall be presented within seven days from the date of the sentence.

40. If any question arises whether, under any order made under section 31 or section 36, an offence is triable by a Special Judge or a Special Magistrate, the question shall be referred for decision to the Local Government, and its decision shall be final. Distribution of cases.

41. The Local Government may, by general or special order in writing, empower any Magistrate appointed under the provisions of the Code to exercise the powers of a Summary Court in any area specified in the order. Summary Courts.

42.—(1) Subject to the provisions of section 47, a Summary Court shall have power to try such offences as the District Magistrate may, by general or special order, direct : Jurisdiction of Summary Courts.

Provided that no person shall be tried by a Summary Court for an offence not specified in sub-section (1) of section 260 of the Code which is punishable with imprisonment for a term exceeding two years.

(2) The District Magistrate may, by general or special order, give directions as to the distribution among the Summary Courts in his district of cases triable by them under sub-section (1).

43. In the trial of any case a Summary Court shall, as far as possible, follow the procedure laid down in the Code for the trial of warrant cases, and shall have all the powers conferred by the Code on a Magistrate : Procedure of Summary Courts.

Provided that the Court shall not be required to record more than a memorandum of the evidence or to frame a formal charge :

Provided further that, in the trial of any offence punishable with imprisonment for a term not exceeding one year, the Court may follow the procedure for the summary trial of cases in which an appeal lies laid down in Chapter XXII of the Code.

44. Summary Courts may pass any sentence which may be passed by a Magistrate of the first class. Sentences by Summary Courts.

45.—(1) If a Summary Court in a case tried according to the procedure for the trial of warrant cases passes a sentence of imprisonment for a term exceeding three months or a fine exceeding two hundred rupees, or in a case tried by summary procedure passes a Appeals.

sentence of imprisonment for a term exceeding one month or a fine exceeding fifty rupees, an appeal shall lie to the Special Judge appointed for the area in which the offence was committed, or, if no Special Judge has been so appointed, to the Court of Session exercising jurisdiction in the area in which the offence was tried.

(2) An appeal under sub-section (1) shall be presented within seven days from the date of the sentence.

(3) In disposing of an appeal under this section, a Special Judge shall follow the same procedure and have the same powers as an Appellate Court follows and has under the Code.

Procedure when Summary Court considers case triable by another Court.

46.—(1) If a Summary Court is of opinion that the offence disclosed is one which it is not empowered to try, it shall send the case for trial to the Special Judge or Special Magistrate empowered to try the case under this Ordinance, or, if no such Court has been so empowered, to an ordinary criminal court having jurisdiction.

(2) If a Summary Court is of opinion that an offence which it is empowered to try should be tried by a Court of superior jurisdiction, or that it requires a punishment in excess of that which the Summary Court is empowered to inflict, it shall stay proceedings and report the case to the District Magistrate who may—

(*a*) direct that the case shall be tried by a Summary Court, or

(*b*) send it to a Court constituted under this Ordinance having jurisdiction, or to an ordinary criminal court having jurisdiction, or

(*c*) report it for the orders of the Local Government.

Limitation of jurisdiction of Special Courts.

47.—(1) No Court constituted under this Ordinance shall try any offence unless it is an offence punishable under this Ordinance or was committed in furtherance of a movement prejudicial to the public safety or peace.

(2) The question whether or not an offence tried by a Court constituted under this Ordinance is of the nature described in sub-section (1) shall not be raised in any Court other than the Court trying the offence, and where such question is so raised then, if the Court is that of a Special Judge the question shall be referred to the Local Government, and if the Court is that of a Special Magistrate or is a Summary Court the question shall be referred to the District Magistrate, and the decision of the Local Government or District Magistrate shall be final.

Powers of Special Courts to deal with refractory accused.

48.—(1) Where any accused, in a trial before a Court constituted under this Ordinance, has, by his voluntary act, rendered himself incapable of appearing before the Court, or resists his production before it, or behaves before it in a persistently disorderly manner, the Court may, at any stage of the trial, by order in writing made after such inquiry as it may think fit, dispense with the attendance of such accused for such period as it may think fit, and proceed with the trial in his absence.

(2) Where a plea is required in answer to a charge from an accused whose attendance has been dispensed with under sub-section (1), such accused shall be deemed not to plead guilty.

(3) An order under sub-section (1) dispensing with the attendance of an accused shall not affect his right of being represented by a pleader at any stage of the trial, or of being present in person if he has become capable of appearing, or appears in Court and undertakes to behave in an orderly manner.

(4) Notwithstanding anything contained in the Code, no finding, sentence or order passed in a trial before a Court constituted under this Ordinance shall be held to be illegal by reason of any omission or irregularity whatsoever arising from the absence of any or all of the accused whose attendance has been dispensed with under sub-section (1).

Special rule of evidence. I of 1872.

49. Notwithstanding anything contained in the Indian Evidence Act, 1872, when the statement of any person has been recorded by any Magistrate, such statement may be admitted in evidence in any trial before a Court constituted under this Ordinance if such person is dead or cannot be found or is incapable of giving evidence, and the Court is of opinion that such death, disappearance or incapacity has been caused in the interests of the accused.

Legal practitioners.

50. A Court constituted under this Ordinance shall not be required to grant an adjournment for the purpose of securing the attendance of a legal practitioner if, in the opinion of the Court, such adjournment would cause unreasonable delay in the disposal of the case.

Exclusion of interference of other Courts.

51. Notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall, save as provided by this Ordinance, be no appeal from any order or sentence of a Court constituted under this Ordinance, and, save as aforesaid, no Court shall have authority to revise such order or sentence, or to transfer any case from any such Court, or to make any order under section 491 of the Code, or have any jurisdiction of any kind in respect of any proceedings of any such Court.

Application of ordinary law.

52. The provisions of the Code and of any other law for the time being in force, in so far as they may be applicable and in so far as they are not inconsistent with the provisions of this Ordinance, shall apply to all matters connected with, arising from or consequent upon a trial by special criminal courts constituted under this Ordinance.

CHAPTER V.

Arbitration Tribunals.

Claims for compensation.

53.—(1) Any person who has suffered any direct loss or damage by reason of action taken under section 5 or section 9 or sub-section (2) of section 11 or section 14 may, within two months

from the date on which the action was taken, lodge a claim for compensation with the Local Government, or with such officer as the Local Government may appoint in this behalf.

(2) No claim for compensation may be lodged for loss or damage caused in any case where action has been taken under section 20.

(3) Any claim lodged under sub-section (1) may be investigated by such officer as the Local Government may appoint in this behalf, and any amount which may be agreed upon between the Local Government and the claimant shall be paid to him. If the amount is not agreed upon the claim shall be decided by an Arbitration Tribunal, in the manner hereinafter provided.

Constitution of Arbitration Tribunals.

54.—(1) The Local Government may constitute an Arbitration Tribunal for the trial of any particular claim or claims, or of claims of a specified kind, or of claims arising within a specified area for which provision is not otherwise made.

(2) An Arbitration Tribunal shall consist of three persons, who are—

(*a*) Commissioners; or

(*b*) persons who have presided in a Civil Court of any grade for not less than five years; or

(*c*) persons who are qualified under sub-section (3) of section 101 of the Government of India Act for appointment as Judges of a High Court; or

(*d*) persons who have exercised the powers of a Magistrate of the first class for not less than five years; or

(*e*) persons having special knowledge of matters such as those which may be in dispute.

(3) The Local Government shall appoint one of the members to be President of the Tribunal.

(4) If for any reason any member of an Arbitration Tribunal is unable to discharge his duties, the Local Government shall appoint another member in his place, and on any such change occurring it shall not be incumbent on the Tribunal to re-call or re-hear any witness who has already given evidence in regard to any claim before it, and may act on any evidence already recorded by or produced before it.

Procedure of Arbitration Tribunals.

55.—(1) Arbitration Tribunals may take evidence on oath (which such Tribunals are hereby empowered to administer), and shall have such powers to enforce the attendance of witnesses and the production of evidence as a Civil Court has under the Code of Civil Procedure, 1908.

V of 1908.

(2) In the event of any difference of opinion among the members of an Arbitration Tribunal, the opinion of the majority shall prevail.

(3) Subject to any rules which the Local Government may make in this behalf, the President of an Arbitration Tribunal may make orders consistent with this Ordinance to provide for the place and conduct of a trial and all other ancillary matters which he may

think necessary for carrying into effect the provisions of this Ordinance.

Compensation not necessarily to be determined by current rates.

56. In determining the compensation to be paid in respect of action taken under section 9 it shall not be necessary for an Arbitration Tribunal to have regard to the market price of the product, article or thing to which the claim relates, at the time of, or immediately prior to, such action; but the Tribunal shall have regard to the market price which prevailed in respect of products, articles or things of like nature immediately before the promulgation of this Ordinance.

CHAPTER VI.

SUPPLEMENTAL.

Delegation of powers.

57.—(1) The Local Government may invest the District Magistrate with the powers of the Local Government under sub-section (1) of section 4, and may invest the District Magistrate or any Sub-divisional Magistrate, or any police officer not below the rank of Deputy Superintendent, with any of the powers of the Local Government under section 5 or section 9.

(2) The Local Government may invest any Sub-divisional Magistrate, or any police officer not below the rank of Deputy Superintendent, with any of the powers of a District Magistrate under Chapter II.

(3) The District Magistrate may by order in writing authorise any officer to exercise any of the powers of the District Magistrate under Chapter II in a specified area or in connection with a specified emergency.

Reserve power to Governor General in Council.

58. *[The Governor-General in Council may exercise any of the powers of a Local Government under Chapter II.]

Bar of jurisdiction.

59. Except as provided in this Ordinance, no proceeding or order purporting to be taken or made under this Ordinance shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything done, or in good faith intended to be done, under this Ordinance.

Operation of other penal laws not barred.

60. Nothing contained in this Ordinance shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence punishable under this Ordinance.

---

* The sections and figures enclosed in brackets were not included in the North-West Frontier Province Emergency Powers Ordinance, 1931, (Ordinance No. XIII. of 1931).

Offences under the Ordinance to be cognizable and non-bailable.

61. Notwithstanding anything contained in the Code, any offence punishable under this Ordinance shall be cognizable and non-bailable.

Certain other offences to be cognizable and non bailable. XLV of 1860.

62.—(1) Notwithstanding anything contained in the Code, an offence punishable under section 160, 186, 187, 188, 189, *[190], 227, 228, 295A, 298, 505, 506, 507 or 508 of the Indian Penal Code, shall be cognizable and non-bailable.

(2) Notwithstanding anything contained in section 195 or section 196 of the Code, any Court otherwise competent to take cognizance of an offence punishable under section 186, 187, 188, 228, 295A or 505 of the Indian Penal Code may take cognizance of such offence upon a† [report in writing of facts constituting such offence made by any police officer] but shall not proceed with the trial unless it has received a complaint in respect of such offence under section 195 or section 196 as the case may be, and the absence of such complaint shall be reasonable cause, within the meaning of section 344 of the Code, for postponing the commencement of the trial and for remanding the accused.

Temporary amendment of section 4, Act XXIII of 1931.

63. *[So long as this Ordinance remains in force, in sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931‡ [after clause (*b*) the following words and clauses shall be deemed to be inserted, namely :—

" Or which tend directly or indirectly "]

" (*c*) to seduce any officer, soldier, sailor or airman in the military, naval or air forces of His Majesty or any police officer from his allegiance or his duty, or

(*d*) to bring into hatred or contempt His Majesty or the Government established by law in British India or the administration of justice in British India or any Indian Prince or Chief under the suzerainty of His Majesty, or any class or section of His Majesty's subjects in British India or to excite disaffection towards His Majesty or the said Government or any such Prince or Chief, or

(*e*) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security, or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(*f*) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and

* The sections and figures enclosed in brackets were not included in the North-West Frontier Province Emergency Powers Ordinance, 1931, (Ordinance No. XIII. of 1931).

† In place of the words in brackets the North-West Frontier Province Emergency Powers Ordinance, 1931 (Ordinance No. XIII. of 1931) contained the following—

" police report being made to it under clause (*a*) of sub-section (1) of section 173 of the Code."

‡ Substituted by Ordinance VI. of 1932 for the words

" the following clauses shall be deemed to be added to clauses (*a*) and (*b*) namely :— ".

order, or to commit any offence, or to refuse or defer payment of any land-revenue, tax, rate, cess or other due or amount payable to Government or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(*g*) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(*h*) to promote feelings of enmity or hatred between different classes of His Majesty's subjects, or

(*i*) to prejudice the recruiting of persons to serve in any of His Majesty's forces, or in any police force, or to prejudice the training, discipline or administration of any such force,"

and the provisions of that Act shall apply accordingly.]

WILLINGDON,
Viceroy and Governor-General.

New Delhi;
The 4th January, 1932.

ORDINANCE No. III OF 1932.

An Ordinance to provide against instigation to the illegal refusal of the payment of certain liabilities.

Whereas an emergency has arisen which makes it necessary to provide against instigation to the illegal refusal of the payment of certain liabilities;

Now therefore, in exercise of the power conferred by section 72 of the Government of India Act, the Governor-General is pleased to make and promulgate the following Ordinance :—

Short title and extent.

1.—(1) This Ordinance may be called the Unlawful Instigation Ordinance, 1932.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

Power to declare notified areas and notified liabilities.

2.—(1) The Governor-General in Council may, by notification in the Gazette of India, empower any Local Government to make declarations under sub-sections (2) and (3).*

* The Ordinance was extended to Madras, Bombay, the Punjab, Bihar and Orissa and the Central Provinces on the 4th of January, to the United Provinces on the 8th January, and to Assam on the 1st February.

(2) A Local Government empowered in this behalf may, by notification in the local official Gazette, declare that any part of the province or the whole province shall be a notified area for the purposes of this Ordinance.

(3) Such Local Government may further, by the same or by subsequent notification, declare that in such notified area land-revenue or any sum recoverable as arrears of land-revenue, or any tax, rate, cess or other due or amount payable to Government or to any local authority, or rent of agricultural land, or anything recoverable as arrears of or along with such rent, shall be a notified liability.

Punishment for unlawful instigation to the non-payment of notified liability.

3. Whoever, by words either spoken or written, or by signs or by visible representations, or otherwise, instigates, expressly or by implication, any person or class of persons not to pay or to defer payment of any notified liability,

and whoever does any act, with intent or knowing it to be likely that any words, signs or visible representations containing such instigation shall thereby be communicated directly or indirectly to any person or class of persons, in any manner whatsoever,

shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

Special rules of procedure. V of 1898.

4.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this Ordinance shall be cognizable and non-bailable.

(2) No Magistrate shall take cognizance of any offence punishable under this Ordinance except upon a report in writing of facts which constitute such offence made by a police officer not below the rank of sub-inspector.

Power to collect an arrear of a notified liability as an arrear of land-revenue.

5.—(1) Any person to whom an arrear of a notified liability is due may apply in writing to the Collector to realise it, and the Collector may, after satisfying himself that the amount claimed is due, proceed to recover it as an arrear of land-revenue, in accordance with the law applicable to the recovery of arrears of land-revenue in the area concerned.

(2) Nothing in this section shall prevent any person to whom an arrear of a notified liability is due from recovering it in accordance with the law applicable to the recovery of such arrear.

(3) No proceeding or order purporting to be taken or made under this section shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything done, or in good faith intended to be done, under this section :

Provided that any person from whom an amount has been recovered under this section in excess of the amount due from him

may recover such excess in accordance with law from the person on whose behalf the Collector has realised it.

WILLINGDON,
Viceroy and Governor-General.

New Delhi,
The 4th January, 1932.

NOTE.—The Unlawful Instigation (North-West Frontier Province) Ordinance, 1931 (XIV. of 1931) contained the following additional clause :—

Temporary amendment of section 4, Act XXIII of 1931.

So long as this Ordinance remains in force, in sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931, the following clause shall be deemed to be added to clauses (*a*) and (*b*), namely :—

"or (*bb*) instigate, expressly or by implication, any person or class of persons not to pay or to defer payment of any liability, which has been declared by notification under section 2 of the Unlawful Instigation (North-West Frontier Province) Ordinance, 1931, to be a notified liability in that province,"

and the provisions of the said Act shall apply accordingly.

ORDINANCE No. IV OF 1932.

An Ordinance to make further provision against associations dangerous to the public peace.

Whereas an emergency has arisen which makes it expedient to make further provision against associations dangerous to the public peace;

Now therefore, in exercise of the power conferred by section 72 of the Government of India Act, the Governor-General is pleased to make and promulgate the following Ordinance :—

Short title, extent and commencement.

1.—(1) This Ordinance may be called the Unlawful Association Ordinance, 1932.

(2) This section, section 8 and section 10 extend to the whole of British India, including British Baluchistan and the Sonthal Parganas, and the remaining provisions of this Ordinance shall extend only to such provinces or parts of provinces as the Governor-General in Council may, by notification in the Gazette of India, specify.*

---

*The Ordinance was extended to Madras, Bombay, Bengal, the United Provinces, and Bihar and Orissa on the 4th January, to the Punjab and the Central Provinces on the 9th January, and to Assam on the 4th February.

(3) This section, section 8 and section 10 shall come into force at once, and the Local Government may, by notification in the local official Gazette, direct that any or all of the remaining provisions shall come into force in any area to which they have been extended on such date as may be appointed in the notification.

Definitions.

2. In this Ordinance, unless there is anything repugnant in the subject or context,—

(*a*) " Magistrate " means, in a Presidency-town, the chief Presidency Magistrate, and elsewhere the District Magistrate;

(*b*) " notified place " means a place notified under sub-section (1) of section 3;

(*c*) " place " includes also a house, building, tent and vessel; and

(*d*) " unlawful association " means an unlawful association within the meaning of section 15 of the Indian Criminal Law Amendment Act, 1908, and includes an association which has been declared to be unlawful by the Governor-General in Council under the powers conferred by section 8 of this Ordinance.

XIV of 1908.

Power to notify and take possession of places used for the purposes of an unlawful association.

3.—(1) The Local Government may, by notification in the local official Gazette, notify any place which in its opinion is used for the purposes of an unlawful association.

(2) The Magistrate, or any officer authorised in this behalf in writing by the Magistrate, may thereupon take possession of the notified place and evict therefrom any person found therein, and shall forthwith make a report of the taking of possession to the Local Government.

(3) A notified place whereof possession is taken under sub-section (2) shall be deemed to remain in the possession of Government so long as the notification under sub-section (1) in respect thereof remains in force.

Moveable property found in a notified place.

4.—(1) The Magistrate or officer taking possession of a notified place shall also take possession of all moveable property found therein, and shall make a list thereof and submit it, with a report of the taking of possession of such moveable property, to the Local Government.

(2) If, in the opinion of the Local Government, any articles specified in the list are or may be used for the purposes of the unlawful association, the Local Government may, by order in writing, declare such articles to be forfeited to His Majesty, and may give such directions for the disposal thereof as it may think fit.

(3) All articles specified in the list which are not so forfeited shall be deemed to remain in the possession of Government so long as the notified place in which they were found remains in the possession of Government, and such articles may be used in such manner as the Magistrate may direct.

Trespass upon notified places.

5. Any person who enters or remains upon a notified place without the permission of the Magistrate, or of an officer authorised by him in this behalf, shall be deemed to commit criminal trespass, and, notwithstanding anything contained in the Code of Criminal Procedure, 1898, any such offence of criminal trespass shall be cognizable and non-bailable.

V of 1898.

The relinquishment of property.

6. Before this Ordinance ceases to have effect, or before a notification under sub-section (1) of section 3 is cancelled, the Local Government shall give such general or special directions as it may deem requisite regulating the relinquishment by Government of possession of notified places and of moveable property found thereon which has not been forfeited to His Majesty.

Power to forfeit funds of an unlawful association.

7.—(1) Where the Local Government is satisfied, after such inquiry as it may think fit, that any monies, securities or credits are being used or are intended to be used for the purposes of an unlawful association, the Local Government may, by order in writing, declare such monies, securities or credits to be forfeited to His Majesty.

(2) A copy of an order under sub-section (1) may be served on the person having custody of the monies, securities or credits, and on the service of such copy such person shall pay or deliver the monies, securities or credits to the order of the Local Government:

Provided that, in the case of monies or securities, a copy of the order may be endorsed for execution to such officer as the Local Government may select, and such officer shall have power to enter upon and search for such monies and securities in any premises where they may reasonably be suspected to be, and to seize the same.

(3) Where the Local Government has reason to believe that any person has custody of any monies, securities or credits which are being used or are intended to be used for the purposes of an unlawful association, the Local Government may, by order in writing, prohibit such person from paying, delivering, transferring or otherwise dealing in any manner whatsoever with the same, save in accordance with the written orders of the Local Government. A copy of such order shall be served upon the person to whom it is directed.

(4) The Local Government may endorse a copy of an order under sub-section (3) for investigation to any officer it may select, and such copy shall be warrant whereunder such officer may enter upon any premises of the person to whom the order is directed, examine the books of such person, search for monies and securities, and make inquiries from such person, or any officer, agent or servant of such person, touching the origin of and dealings in any monies, securities or credits which the investigating officer may suspect are being used or are intended to be used for the purposes of an unlawful association.

(5) A copy of an order under this section may be served in the manner provided in the Code of Criminal Procedure, 1898, for the service of a summons, or, where the person to be served is a corporation, company, bank or association of persons, it may be served on any secretary, director or other officer or person concerned with the management thereof, or by leaving it or sending it by post addressed to the corporation, company, bank or association at its registered office, or, where there is no registered office, at the place where it carries on business.

V of 1898.

(6) Where an order of forfeiture is made under sub-section (1) in respect of any monies, securities or credits in respect of which a prohibitory order has been made under sub-section (3), such order of forfeiture shall have effect from the date of the prohibitory order, and the person to whom the prohibitory order was directed shall pay or deliver the whole of the monies, securities or credits forfeited, to the order of the Local Government.

(7) Where any person liable under this section to pay or deliver any monies, securities or credits to the order of the Local Government refuses or fails to comply with any direction of the Local Government in this behalf, the Local Government may recover from such person, as arrears of land-revenue or as a fine, the amount of such monies or credits or the market value of such securities.

(8) In this section, " security " means a document whereby any person acknowledges that he is under a legal liability to pay money, or whereunder any person obtains a legal right to the payment of money; and the market value of any security means the value as fixed by any officer or person deputed by the Local Government in this behalf.

Power of Governor-General in Council to declare associations to be unlawful.

8.*—(1) If the Governor-General in Council is of opinion that any association interferes with the administration of law and order, or that it constitutes a danger to the public peace, he may, by notification in the Gazette of India, declare such association to be unlawful.

(2) An association in respect of which such declaration has been made shall be an unlawful association for the purposes of the Indian Criminal Law Amendment Act, 1908, throughout the whole of British India.

XIV of 1908.

Jurisdiction barred.

9. Every report of the taking of possession of property and every declaration of forfeiture, made or purporting to be made under this Ordinance, shall, as against all persons, be conclusive proof that the property specified therein has been taken possession of by Government or has been forfeited, as the case may be, and no proceeding purporting to be taken under this Ordinance shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything done or in good faith

* This section was not included in the Unlawful Association (North-West Frontier Province) Ordinance (XV of 1931).

intended to be done under this Ordinance, or against Government or any person acting on behalf of or by authority of Government for any loss or damage caused to or in respect of any property whereof possession has been taken by Government under this Ordinance.

10. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences punishable under sub-section (1) of section 17 of the Indian Criminal Law Amendment Act, 1908, shall be cognizable and non-bailable. All offences under Act XIV of 1908 to be cognizable and non-bailable.

WILLINGDON,
Viceroy and Governor-General.

New Delhi,
The 4th January, 1932.

ORDINANCE No. V. OF 1932.

An Ordinance to provide against certain forms of molestation and boycotting.

Whereas an emergency has arisen which makes it necessary to provide against certain forms of molestation and boycotting;

Now therefore, in exercise of the powers conferred by section 72 of the Government of India Act, the Governor-General is pleased to make and promulgate the following Ordinance :—

1.—(1) This Ordinance may be called the Prevention of Molestation and Boycotting Ordinance, 1932. Short title, extent and commencement.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) This section, section 2 and Chapter IV shall come into force at once, and the Local Government of any province may, by notification in the local official Gazette, direct that any or all of the remaining provisions shall come into force in any area in such province on such date as may be appointed in the notification.

2. In this Ordinance " the Code " means the Code of Criminal Procedure, 1898. Definition. V of 1898.

CHAPTER I.

MOLESTATION.

Definition of "molestation".

3. For the purposes of this Chapter, a person is said to molest another person who,—

(*a*) with a view to cause such other person to abstain from doing or to do any act which such other person has a right to do or to abstain from doing, obstructs or uses violence to or intimidates such other person or anyone in whom such person is interested, or loiters at or near a house where such person or anyone in whom such person is interested resides or works or carries on business or happens to be, or persistently follows him from place to place, or interferes with any property owned or used by him or deprives him of or hinders him in the use thereof, or

(*b*) *[loiters at or near the place where such other person carries on business in such a way or with intent that any person may thereby be deterred from entering or approaching or dealing at such place or does any other act at or near such place which may have a like effect.]

Punishment for molestation.

4. Whoever molests or abets the molestation of any person shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

Special rules of procedure.

5. Notwithstanding anything contained in the Code, an offence punishable under section 4 shall be cognizable and non-bailable, and no Magistrate shall take cognizance of any such offence except upon a report in writing of facts which constitute such offence made by a police officer.

CHAPTER II.

BOYCOTTING.

6. For the purposes of this Chapter,—

Definition of "boycotting".

(*a*) a person is said to "boycott" another person who refuses to deal or do business with, or to supply goods to, or to let a house or land to, or to render any customary service to such person or any person in whom such person is interested, or refuses to do so on the terms on which such

---

* These words were substituted by Ordinance VI of 1932 for the words—
"with a view to cause loss or knowing that loss is likely to be caused to such other person, loiters at or near the place where such person carries on business and dissuades or attempts to dissuade, by words or gestures or otherwise, any person from entering or approaching or dealing at such place."

things would be done in the ordinary course, or abstains from such professional or business relations as he would ordinarily maintain with such person; and

(*b*) a " public servant " includes a public servant as defined in section 21 of the Indian Penal Code, and a servant of a local authority, and a person belonging to any class of persons which the Local Government may, by notification in the local official Gazette, declare to be public servants for the purposes of this Chapter. Definition of " public servant ". XLV of 1860.

7. Whoever boycotts or abets the boycotting of a public servant, or threatens a public servant with boycotting, shall be punishable with imprisonment which may extend to six months, or with fine, or with both : Punishment for boycotting of a public servant.

Provided that no person shall be convicted under this section if the Court is satisfied that his acts were not intended to prejudice the public servant boycotted, or proposed or threatened to be boycotted, in the discharge of the duties of his office, or to cause such public servant to terminate or withhold his services in the discharge of such duties, or to commit a breach of discipline.

8.—(1) An offence punishable under section 7 shall be non-cognizable, and notwithstanding anything contained in the second Schedule to the Code, a case relating to such an offence shall, for the purposes of section 204 of the Code, be deemed to be one in which a warrant should issue in the first instance. Special rules of procedure.

(2) Where information is given to the officer in charge of a police station of the commission within the limits of such station of an offence punishable under section 7, he shall deal with it in the manner provided in section 154 of the Code, and, notwithstanding anything contained in sub-section (1) of section 155 of the Code, he shall investigate the case as if he had received an order from a competent Magistrate under sub-section (2) of that section.

CHAPTER III.

Mock Funeral Ceremonies.

9. Whoever with intent to annoy any person, or with the knowledge that annoyance is likely to be caused to any person, performs or takes part in or abets the performance of any mock ceremony resembling any ceremony associated with or consequent upon death shall be punishable with imprisonment which may extend to six months, or with fine, or with both. Punishment for participating in a mock funeral ceremony.

10. Notwithstanding anything contained in the Code, an offence punishable under section 9 shall be cognizable and non-bailable. Special rules of procedure.

CHAPTER IV.

SUPPLEMENTAL.

Jurisdiction.

11. No Magistrate other than a Presidency Magistrate or a Magistrate of the first class shall take cognizance of or try any offence under this Ordinance.

Power to declare certain non-cognizable and bailable offences to be cognizable and non-bailable.

12.—(1) The Local Government may, by notification in the local official Gazette, declare that any offence punishable under section 188, 189, 190, 506, 507 or 508 of the Indian Penal Code when committed in any area specified in the notification, shall, notwithstanding anything contained in the Code, be cognizable and non-bailable, and thereupon the Code shall, while such notification remains in force, be deemed to be amended accordingly.

XLV of 1860.

(2) Notwithstanding anything contained in section 195 of the Code, in any area in which a notification under sub-section (1) in respect of section 188 of the Indian Penal Code is in force, any Court otherwise competent to take cognizance of an offence punishable under the said section 188 may take cognizance of such offence upon a police report being made to it under clause (*a*) of sub-section (1) of section 173 of the Code, but shall not proceed with the trial unless it has received a complaint in respect of such offence under section 195 or section 196 as the case may be, and the absence of such complaint shall be reasonable cause, within the meaning of section 344 of the Code, for postponing the commencement of the trial and for remanding the accused.

WILLINGDON,

Viceroy and Governor-General.

New Delhi,

The 4th January, 1932.

II. Special Measures taken to Counteract the Terrorist Movement in Bengal.

ORDINANCE No. IX of 1931.

An Ordinance to amend temporarily the Bengal Criminal Law Amendment Act, 1930.

Whereas an emergency has arisen which makes it necessary to amend temporarily the Bengal Criminal Law Amendment Act, 1930; Ben. Act VI of 1930.

Now therefore, in exercise of the power conferred by section 72 of the Government of India Act, the Governor-General is pleased to make and promulgate the following Ordinance :—

1. This Ordinance may be called the Bengal Criminal Law Amendment Ordinance, 1931. Short title.

2. So long as this Ordinance remains in force the Bengal Criminal Law Amendment Act, 1930 (hereinafter referred to as the said Act), shall be deemed to be amended in the manner shown in sections 3, 4 and 5 of this Ordinance. Direction for temporary amendment of Ben. Act VI of 1930.

3. In sub-section (1) of section 2 of the said Act, for the words beginning " Where, in the opinion of the Local Government ", and ending with the words " may, by order in writing ", the following shall be substituted, namely :— Amendment of section 2, Ben. Act VI of 1930.

" Where, in the opinion of the Local Government, there are reasonable grounds for believing that any person—

(i) is a member of an association of which the objects and methods include the commission of any offence included in the First Schedule, or the doing of any act with a view to interfere by violence or threat of violence with the administration of justice, or

(ii) has been or is being instigated or controlled by a member of any such association with a view to the commission or doing of any such offence or act, or

(iii) has done or is doing any act to assist the operations of any such association, the Local Government may, by order in writing ".

4. In the First Schedule to the said Act— Amendment of First Schedule, Ben. Act VI of 1930.

(*a*) in paragraph (1), for the figures " 148 ", the figures " 121, 121A, 122, 123, 148, 216 " shall be substituted;

(*b*) after paragraph (1) as so amended, the following paragraphs shall be inserted, namely :—

" (2) Any offence under the Explosive Substances Act, 1908,

(3) Any offence under the Indian Arms Act, 1878 ";

and

(*c*) paragraph (2) shall be re-numbered as paragraph (4).

Amendment of Second Schedule, Ben. Act VI of 1930.

5. In paragraph (*a*) of the Second Schedule to the said Act, for the figures " 148 ", the figures " 121, 121A, 122, 123, 148, 216 " shall be substituted.

WILLINGDON,
Viceroy and Governor-General.

New Delhi,
The 29th October, 1931.

ORDINANCE No. XI OF 1931.

An Ordinance to confer special powers on the Government of Bengal and its officers for the purpose of suppressing the terrorist movement and to provide for the speedier trial of offences committed in furtherance of or in connection with the terrorist movement.

Whereas an emergency has arisen which makes it necessary to confer special powers on the Government of Bengal and its officers for the purpose of suppressing the terrorist movement and to provide for the speedier trial of offences committed in furtherance of or in connection with the terrorist movement;

Now therefore, in exercise of the power conferred by section 72 of the Government of India Act, the Governor-General is pleased to make and promulgate the following Ordinance :—

PRELIMINARY.

Short title and extent

1.—(1) This Ordinance may be called the Bengal Emergency Powers Ordinance, 1931.

(2) This section, section 2, Chapter II and the Schedule extend to the whole of Bengal. Chapter I extends in the first instance to the district of Chittagong, but the Governor-General in Council may, by notification in the Gazette of India, extend any or all of its provisions to any other area in Bengal.

Definitions.

2. In this Ordinance, unless there is anything repugnant in the subject or context—

(*a*) " the Code " means the Code of Criminal Procedure, 1898; and V of 1898.

(*b*) " scheduled offence " means any offence specified in the Schedule.

CHAPTER I.

EMERGENCY POWERS.

Power to detain and question persons behaving suspiciously.

3.—(1) Any officer of Government authorised in this behalf by general or special order of the Local Government may require any person whom he suspects to be acting or about to act in a manner prejudicial to the public safety or peace to give an account of his identity and movements, and may arrest and detain him for a period not exceeding twenty-four hours for the purpose of obtaining and verifying his statements.

(2) An officer making an arrest under this section may in so doing use any means that may be necessary.

Power to take possession of immoveable property.

4.—(1) If, in the opinion of the Local Government, any land or building can be utilised as quarters or offices for public servants, or for the accommodation of troops or police or prisoners or persons in custody, the Local Government may, by order in writing, require the occupier or other person in charge of the land or building to place it at the disposal of Government at such time as may be specified in the order, together with the whole or any part specified in the order of any fixtures, fittings, furniture or other things for the time being in the building; and the Local Government may dispose of or use such land, building, fixtures, fittings, furniture or other things in such manner as it may consider expedient.

(2) In this section " building " includes any portion or portions of a building whether separately occupied or not.

(3) The Collector may, on the application of any person who has suffered loss by the exercise of the power conferred by sub-section (1), award to such person such compensation as he thinks reasonable.

Power to take possession of moveable property.

5.—(1) If, in the opinion of the District Magistrate, any product, article or thing, or any class of product, article or thing, can be utilised in furtherance of the purposes of this Ordinance, the District Magistrate may, by order in writing, require any owner or person in charge of such product, article or thing to place it at the disposal of Government at such time and place as may be specified in the order; and the District Magistrate may dispose of or use it in such manner as he may consider expedient.

(2) The Collector may, on the application of any person who has suffered loss by the exercise of the power conferred by sub-section (1), award to such person such compensation as he thinks reasonable.

Power to prohibit or limit access to certain places.

6. The District Magistrate may, by order in writing, prohibit or limit, in such way as he may think expedient for the purposes of this Ordinance, access to any building or place in the possession or under the control of Government or of any railway administration or local authority, or to any building or place in the occupation, whether permanent or otherwise, of His Majesty's Naval,

Military or Air Forces or of any police force, or to any place in the vicinity of any such building or place.

Power to prohibit or regulate traffic.

7. The District Magistrate may, by order in writing, prohibit or regulate, in such way as he may think expedient for the purposes of this Ordinance, traffic over any road, pathway, bridge, waterway or ferry.

Power to regulate means of transport.

8.—(1) The District Magistrate may, by order in writing, require any person to make, in such form and within such time and to such authority as may be specified in the order, a return of any vehicles or means of transport owned by him or in his possession or under his control.

(2) The District Magistrate, if, in his opinion, it is expedient for the purposes of this Ordinance, may, by order in writing, require any person owning or having in his possession or under his control any vehicle or means of transport to take such order therewith for such period as may be specified in the order.

Powers regarding arms, ammunition, etc.

9.—(1) The District Magistrate may, by order in writing published in such manner as he thinks best adapted for informing the persons concerned,—

(*a*) prohibit, either absolutely or subject to such exception as may be specified in the order, the purchase, sale or delivery of, or other dealing in, any arms, parts of arms, ammunition or explosive substances; or

(*b*) direct that any person owning or having in his possession or under his control any arms, parts of arms, ammunition or explosive substances, shall keep the same in a secure place approved by the District Magistrate or remove them to any place specified in the order.

(2) The District Magistrate may take possession of—

(*a*) any arms, ammunition or explosives, or

(*b*) any tools, machinery, implements or other material of any kind, likely, in his opinion, to be utilised, whether by the owner or by any other person, for the commission of any scheduled offence,

and may make such orders as he may think fit for the custody and disposal thereof.

Power to require the assistance of certain persons.

10. The District Magistrate may require any landholder, or any member, officer or servant of any local authority, or any teacher in any school, college or other educational institution, to assist in the restoration and maintenance of law and order and in the protection of property in the possession or under the control of Government, or of any railway administration or local authority, in such manner and within such limits as the District Magistrate may specify.

Power to issue search-warrants.

11. The power to issue search-warrants conferred by section 98 of the Code shall be deemed to include a power to issue warrants authorising—

(*a*) the search of any place in which any Magistrate mentioned in that section has reason to believe that any scheduled

offence or any offence punishable under this Ordinance has been, is being or is about to be committed, or that preparation for the commission of any such offence is being made;

(*b*) the seizure in or on any place searched under clause (*a*) of anything which the officer executing the warrant has reason to believe is being used, or is intended to be used, for any purpose mentioned in that clause;

and the provisions of the Code shall, so far as may be, apply to searches made under the authority of any warrant issued, and to the disposal of any property seized, under this section.

General power of search.

12. Any authority on which any power is conferred by or under this Chapter may authorise any person to enter and search any place the search of which such authority has reason to believe to be necessary for the purpose of—

(*a*) ascertaining whether it is necessary or expedient to exercise such power; or

(*b*) ascertaining whether any order given, direction made, or condition prescribed in the exercise of such power has been duly complied with; or

(*c*) generally, giving effect to such power or securing compliance with, or giving effect to, any order given, direction made or condition prescribed in the exercise of such power.

Power to give effect to orders if disobeyed.

13. If any person disobeys or neglects to comply with an order made, direction given, or condition prescribed, in accordance with the provisions of this Chapter, the authority which made the order, gave the direction or prescribed the condition may take or cause to be taken such action as it thinks necessary to give effect thereto.

Imposition of collective fine on inhabitants of turbulent areas.

14.—(1) Where it appears to the Local Government that the inhabitants of any area are concerned in the commission of scheduled offences or are in any way assisting persons in committing such offences, the Local Government may, by notification in the local official Gazette, impose a collective fine on the inhabitants of that area.

(2) The Local Government may exempt any person or class or section of such inhabitants from liability to pay any portion of such fine.

(3) The District Magistrate, after such inquiry as he may deem necessary, shall apportion such fine among the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the District Magistrate's judgment of the respective means of such inhabitants.

(4) The portion of such fine payable by any person may be recovered from him as a fine or as arrears of land revenue.

(5) The Local Government may award compensation out of the proceeds of a fine realised under this section to any person who, in the opinion of the Local Government, has suffered injury to person or property by the unlawful act of the inhabitants of the area.

Explanation.—For the purposes of this section, the " inhabitants " of an area include persons who themselves or by their agents or servants occupy or hold land or other immoveable property within such area, and landlords who themselves or by their agents or servants collect rents from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

Penalty for disobeying orders under this Chapter.

15. Whoever disobeys or neglects to comply with any order made, direction given, or condition prescribed in accordance with the provisions of this Chapter or impedes the lawful exercise of any power referred to in this Chapter, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

Delegation of powers.

16.—(1) The Local Government may invest the District Magistrate with the powers of a Local Government under section 4, and the District Magistrate may, subject to the control of the Local Government, delegate the powers so vested in him to any police officer not below the rank of Deputy Superintendent or to any military officer not below the rank of Captain.

(2) The Local Government may invest any Sub-divisional Magistrate, or any police officer not below the rank of Deputy Superintendent or any military officer not below the rank of Captain, with any of the powers of a District Magistrate under this Chapter.

(3) The District Magistrate may, by order in writing, authorise any civil or military officer to exercise any of the powers of the District Magistrate under this Chapter in a specified area or in connection with a specified operation or series of operations.

Power to make rules.

17.—(1) The Local Government, subject to the control of the Governor-General in Council, may, by notification in the local official Gazette, make rules—

(*a*) to prevent communications with absconders and to secure information of the movements of absconders;

(*b*) to prevent attacks on the persons or property of His Majesty's subjects, or to secure information of such attacks and of designs to make such attacks;

(*c*) to secure the safety of His Majesty's forces and police;

(*d*) to regulate the exercise of powers conferred by or under this Chapter;

(*e*) to provide for the custody pending production before a Court of prisoners taken in circumstances in which the provisions of the Code cannot be followed without undue inconvenience;

(*f*) generally, to carry out the purposes of this Chapter.

(2) In making a rule under this section the Local Government may provide that any contravention thereof shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

18. Except as provided in this Chapter, no proceeding or order purporting to be taken or made under this Chapter shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything done, or in good faith intended to be done, under this Chapter. Bar of jurisdiction.

19. Nothing contained in this Chapter shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence punishable under this Chapter. Operation of other penal laws not barred.

20. Notwithstanding anything contained in the Code, any offence punishable under this Chapter shall be cognizable and non-bailable. Offences under the Chapter to be cognizable and non-bailable.

21.—(1) Notwithstanding anything contained in the Code, an offence punishable under section 160, 186, 187, 188, 189, 227, 228, 505, 506, 507 or 508 of the Indian Penal Code, or under section 17 of the Indian Criminal Law Amendment Act, 1908, shall be cognizable and non-bailable. Certain other offences to be cognizable and non-bailable.

(2) Notwithstanding anything contained in section 195 or section 196 of the Code, any Court otherwise competent to take cognizance of an offence punishable under section 186, 187, 188, 228 or 505 of the Indian Penal Code may take cognizance of such offence upon a police report being made to it under clause (*a*) of sub-section (1) of section 173 of the Code, but shall not proceed with the trial unless it has received a complaint in respect of such offence under section 195 or section 196 as the case may be, and the absence of such complaint shall be reasonable cause, within the meaning of section 344 of the Code, for postponing the commencement of the trial and for remanding the accused.

22. In the event of this Chapter being extended to the Presidency-town of Calcutta, then for the purposes of this Chapter "District Magistrate" shall mean, in that town, the Commissioner of Police. District Magistrate in Calcutta.

CHAPTER II.

Special Criminal Courts.

23. Courts of criminal jurisdiction may be constituted under this Ordinance of the following classes, namely :— Special Courts.

(i) Special Tribunals;

(ii) Special Magistrates.

24.—(1) A Special Tribunal may be constituted by the Local Government for such area as it may think fit, and shall consist of a President and two other members who shall be appointed by the Local Government. The President of the Tribunal shall be a Constitution of Special Tribunals.

person who holds or has held office or is acting or has acted as a Judge of any High Court, and the other members shall be persons *[so qualified or] qualified under sub-section (3) of section 101 of the Government of India Act for appointment as Judges of a High Court.

(2) If for any reason a member of a Tribunal is unable to discharge his duties, the Local Government shall appoint another member in his place, and upon any such change occurring it shall not be incumbent on the Tribunal to re-call or re-hear any witness who has already given evidence, and it many act on any evidence already recorded by or produced before it.

Jurisdiction of Special Tribunals.

25. Where in the opinion of the Local Government there are reasonable grounds for believing that any person has committed a scheduled offence in furtherance of or in connection with the terrorist movement, it may, by order in writing, direct that such person shall be tried by a Special Tribunal.

Procedure of Special Tribunals.

26.—(1) A Special Tribunal may take cognizance of offences without the accused being committed to it for trial and, in trying accused persons, shall follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates:

Provided that the Special Tribunal shall make a memorandum only of the substance of the evidence of each witness examined, and shall not be bound to adjourn any trial for any purpose unless such adjournment is, in its opinion, necessary in the interests of justice.

(2) In matters not coming within the scope of sub-section (1), the provisions of the Code, so far as they are not inconsistent with this Chapter or the rules made thereunder, shall apply to the proceedings of a Special Tribunal; and, for the purposes of the said provisions, the Tribunal shall be deemed to be a Court of Session.

(3) In the event of any difference of opinion among the members of a Special Tribunal, the opinion of the majority shall prevail.

Powers of Special Tribunals.

27. A Special Tribunal may pass upon any person convicted by it any sentence authorised by law for the punishment of the offence of which such person is convicted, and no order of confirmation shall be necessary in respect of any sentence passed by it:

Provided that where a Special Tribunal convicts any person of any offence punishable under the first paragraph of section 307 of the Indian Penal Code, committed after the promulgation of this Ordinance, it may pass on such person a sentence of death or of transportation for life.

XLV of 1860.

Rules.

28. The Local Government may, by notification in the local official Gazette, make rules providing for—

(i) the times and places at which Special Tribunals may sit; and

---

* These words were inserted by the Bengal Emergency Powers (Supplementary) Ordinance, 1932 (I of 1932).

(ii) the procedure of Special Tribunals, including the powers of the President, and the procedure to be adopted in the event of the President or any other member being prevented from attending throughout the trial of any accused person.

Special Magistrates.

29. Any Presidency Magistrate or Magistrate of the first class who has exercised powers as such for a period of not less than four years may be invested by the Local Government with the powers of a Special Magistrate under this Ordinance.

Jurisdiction of Special Magistrates.

30. Where, in the opinion of the Local Government, or of the District Magistrate if empowered by the Local Government in this behalf, there are reasonable grounds for believing that any person has committed a scheduled offence not punishable with death, or an offence punishable under this Ordinance, the Local Government or District Magistrate, as the case may be, may, by order in writing, direct that such person shall be tried by a Special Magistrate.

Procedure of Special Magistrates.

31.—(1) In the trial of any case under this Ordinance, a Special Magistrate shall follow the procedure laid down in sub-section (1) of section 26 for the trial of cases by a Special Tribunal:

Provided that such Magistrate may, in trying any offence punishable under this Ordinance, follow the procedure prescribed in the Code for the summary trial of cases where no appeal lies.

(2) In matters not coming within the scope of sub-section (1), the provisions of the Code, so far as they are not inconsistent with this Chapter, shall apply to the proceedings of a Special Magistrate; and for the purposes of the said provisions the Special Magistrate shall be deemed to be a Magistrate of the first class.

Sentences by Special Magistrates.

32. A Special Magistrate may pass any sentence authorised by law, except a sentence of death or of transportation or imprisonment for a term exceeding seven years.

Appeals.

33.—(1) Where a Special Magistrate passes a sentence of transportation or imprisonment for a term exceeding two years, or of fine exceeding one thousand rupees, an appeal shall lie to the Special Tribunal constituted for the area in which the offence was tried:

Provided that where no Special Tribunal has been so constituted, the appeal shall lie to the Court of Session, unless the Special Magistrate passes a sentence of transportation exceeding two years or a sentence of imprisonment exceeding four years, in which case the appeal shall lie to the High Court.

(2) An appeal under sub-section (1) shall be presented within seven days from the date of the sentence.

(3) In disposing of an appeal under this section, a Special Tribunal shall follow the same procedure and shall have the same powers as an Appellate Court follows and has under the Code.

Retrospective effect of directions under sections 25 and 30.

34. No direction shall be made under section 25 or section 30 for the trial of any person by a Special Tribunal or Special Magistrate, for an offence for which he was being tried at the promulgation of this Ordinance before any Court, but, save as aforesaid, a direction under either of the said sections may be made in respect of any

person accused of a scheduled offence, whether such offence was committed before or after the promulgation of this Ordinance.

Power to convict for offence proved.

35. If in any trial under this Chapter it is found that the accused person has committed any offence, whether such offence is or is not a scheduled offence, the Court may convict such person of such offence and pass any sentence authorised by law for the punishment thereof.

Power to exclude persons or public from precincts of Court.

36. The President of a Special Tribunal or a Special Magistrate may, if he thinks fit, order at any stage of a trial that the public generally, or any particular person, shall not have access to, or be or remain in, the room or building used by the Court:

Provided that where in any case the Advocate General certifies in writing to the Court that it is expedient in the interests of the public peace or safety or of the peace or safety of any of the witnesses in the trial that the public generally should not have access to, or be or remain in, the room or building used by the Court, the President or Court, as the case may be, shall order accordingly.

Powers of Special Courts to deal with refractory accused.

37.—(1) Where any accused, in a trial before a Court constituted under this Chapter, has, by his voluntary act, rendered himself incapable of appearing before the Court, or resists his production before it, or behaves before it in a persistently disorderly manner, the Court may, at any stage of the trial, by order in writing made after such inquiry as it may think fit, dispense with the attendance of such accused for such period as it may think fit, and proceed with the trial in his absence.

(2) Where a plea is required in answer to a charge from an accused whose attendance has been dispensed with under sub-section (1), such accused shall be deemed not to plead guilty.

(3) An order under sub-section (1) dispensing with the attendance of an accused shall not affect his right of being represented by a pleader at any stage of the trial, or of being present in person if he has become capable of appearing, or appears in Court and undertakes to behave in an orderly manner.

(4) Notwithstanding anything contained in the Code, no finding, sentence or order passed in a trial before a Court constituted under this Ordinance shall be held to be illegal by any Court by reason of any omission or irregularity whatsoever arising from the absence of any or all of the accused whose attendance has been dispensed with under sub-section (1).

Special rule of evidence. I of 1872.

38. Notwithstanding anything contained in the Indian Evidence Act, 1872, when the statement of any person has been recorded by any Magistrate, such statement may be admitted in evidence in any trial before a Court constituted under this Ordinance if such person is dead or cannot be found or is incapable of giving evidence, and the Court is of opinion that such death, disappearance or incapacity has been caused in the interests of the accused.

39. Notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall, save as provided by this Chapter, be no appeal from any order or sentence of a Court constituted under this Chapter, and, save as aforesaid, no Court shall have authority to revise such order or sentence, or to transfer any case from any such Court, or to make any order under section 491 of the Code, or have any jurisdiction of any kind in respect of any proceedings of any such Court, or in respect of any direction made under this Chapter. Exclusion of interference of other Courts.

40. The provisions of the Code and of any other law for the time being in force, in so far as they may be applicable and in so far as they are not inconsistent with the provisions of this Chapter or the rules made thereunder, shall apply to all matters connected with, arising from or consequent upon a trial by special criminal courts constituted under this Chapter. Application of ordinary law.

41. The provisions of section 36 and section 37 shall apply to Commissioners appointed under the Bengal Criminal Law Amendment Act, 1925, in respect of proceedings now pending or to be instituted before them, as if such Commissioners were Special Tribunals constituted under this Chapter; and notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, save as provided in the Bengal Criminal Law Amendment (Supplementary) Act, 1925, no Court shall have authority to revise any order or sentence of such Commissioners, or to transfer any case from such Commissioners, or to make any order under section 491 of the Code, or have any jurisdiction of any kind in respect of any proceedings of any such Commissioners. Limitation of jurisdiction in respect of Commissioners appointed under the Bengal Criminal Law Amendment Act, 1925.

THE SCHEDULE.

(*a*) Any offence punishable under any of the following sections of the Indian Penal Code namely, sections 121, 121A, 122, 123, 148, 216, 302, 304, 326, 327, 329, 332, 333, 385, 386, 387, 392, 394, 395, 396, 397, 398, 399, 400, 401, 402, 431, 435, 436, 437, 438, 440, 454, 455, 457, 458, 459, 460 and 506; XLV of 1860.

(*b*) any offence under the Explosive Substances Act, 1908; VI of 1908.

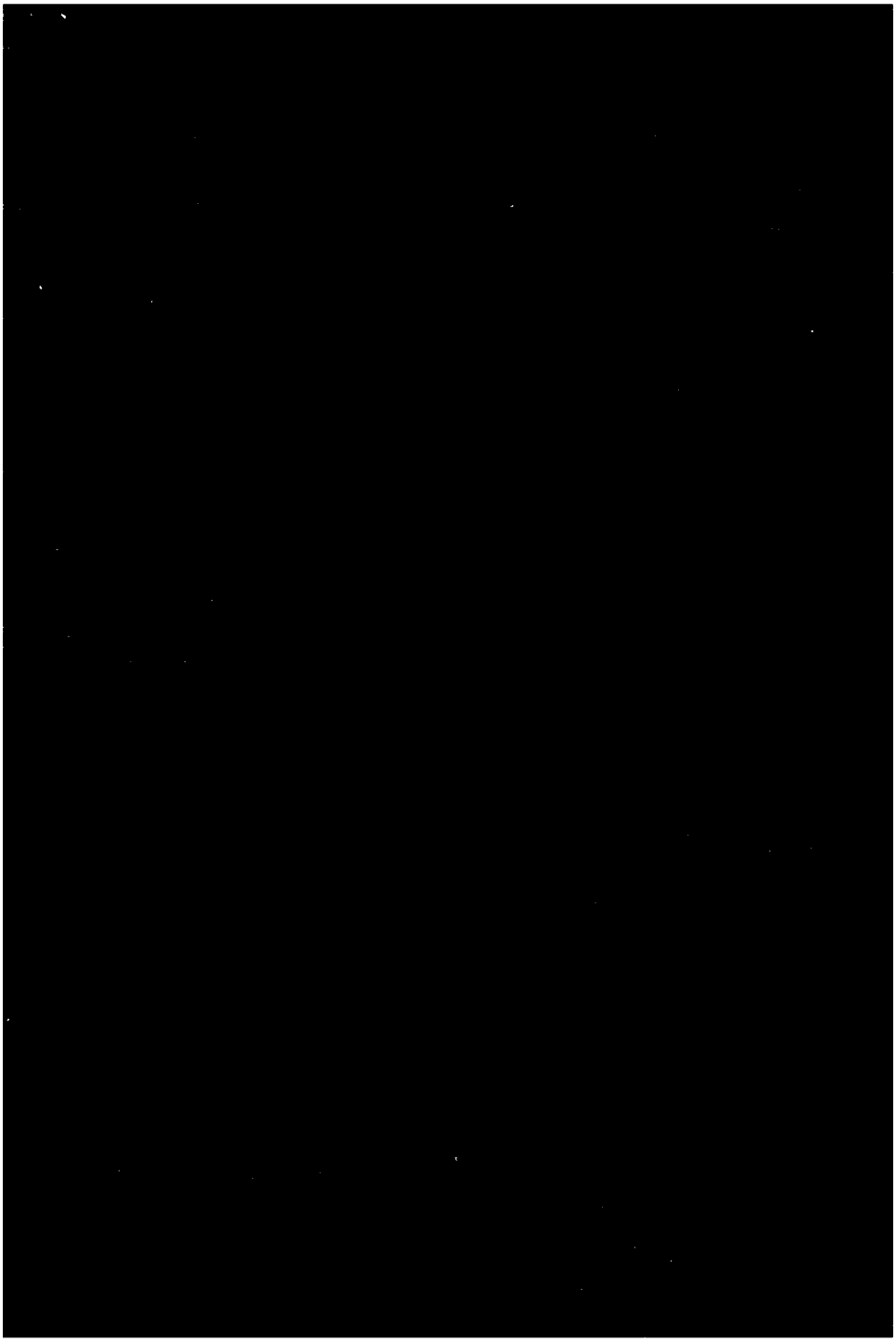
(*c*) any offence under the Indian Arms Act, 1878; XI of 1878.

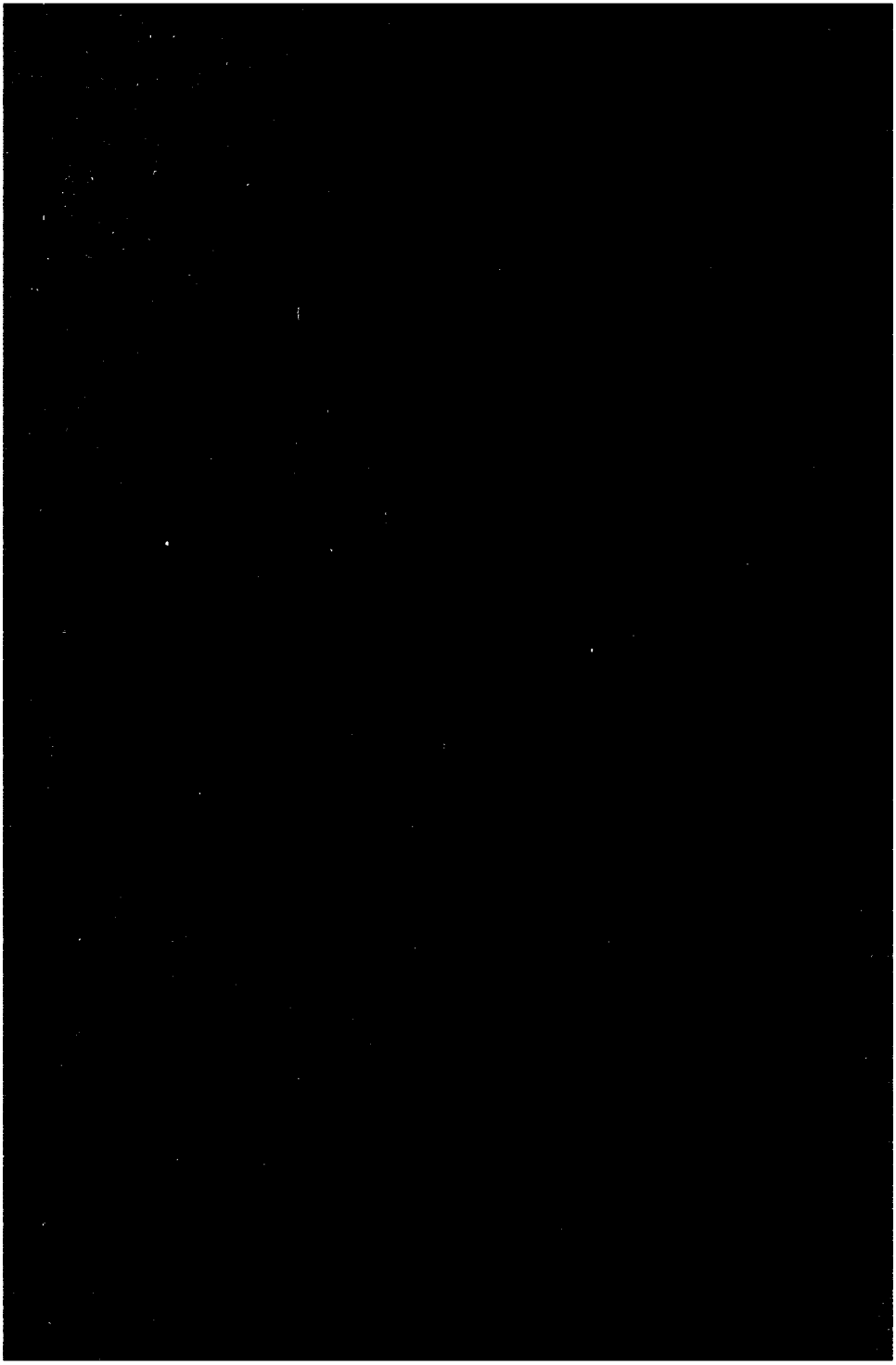
(*d*) any attempt or conspiracy to commit, or any abetment of, any of the above offences.

WILLINGDON,
Viceroy and Governor-General.

New Delhi,
The 30th November, 1931.

(13561—6) Wt. 23704—1049 875 2/32 P. St. G. 3





CONTENTS.

Report of Committee on Indian Exchange and Currency, pages 1 to 35.

	Paragraphs.
Terms of reference	1
Introductory:—	
Witnesses	2–3
Scope of enquiry	4
Royal Commission on Indian Finance and Currency, 1913-14	5
Position at the outbreak of war:—	
Currency in circulation	6
Sale of Council Drafts; Reverse Councils; Gold Standard Reserve; stabilisation of exchange	7
Part played by Council Drafts and precious metals in adjustment of trade balance.	8
Effect of the outbreak of war on financial position in India:—	
Weakening of exchange; withdrawal of Savings Bank deposits.	9
Encashment of notes; demand for gold...	10
Currency difficulties:—	
Symptoms	11
Large trade balance in favour of India.	12
Exceptional disbursements on behalf of His Majesty's Government, etc.	13
Decrease in imports of precious metals.	14
Shortage of silver supply	15
Heavy world demand for silver	16
Indian demand for silver for coinage...	17
Rise in price of silver.	18
Influence of dollar-sterling exchange on London price of silver.	19
Maintenance of pre-war currency system impracticable	20
Measures taken:—	
Limitation of sales of Council Drafts; sale at fixed rate to selected institutions on specified conditions; overbuying guarantee to exchange banks; termination of control	21
Rise in exchange	22
Purchase of silver; large purchases in the market; prohibition of import; acquisition of dollar silver from United States of America.	23
Prohibition of export and melting of silver; issue of notes of small denominations and new nickel coins	24
Acquisition of imported gold; coinage of gold; gold as currency	25
Recent measures for acquisition of gold.	26
Sales of gold.	27
Note issue; expansion of circulation; restrictions on facilities for encashment.	28–29
Other financial measures affecting currency position.	30
Summary of existing position.	31
Appreciation of officials connected with Indian currency administration.	32
Conclusions and recommendations:—	
Introductory.	33
Stability of Exchange:—	
Advantages to trade	34
Advantages in connection with movements of capital; special objections to instability under non-automatic system.	35
Conclusion as to importance of stability.	36
Suggested modifications of system:—	37
Issue of rupee of lower silver content impracticable	38
Issue of 2- or 3-rupee coins of lower proportional silver content, objections to	39
Nickel rupee not recommended, but subsidiary nickel coins approved	40
Convertibility of note issue essential....	41
Factors influencing future price of silver.	42 and 43
Effects of a high rate of exchange:—	44
On the level of prices in India; high level of exchange advantageous	45–50
On Indian trade	51
On Indian industrial development	52
On Home charges.	53
Conclusion	54
Should the rupee be fixed in relation to gold or sterling?	55
Advantages of fixing in sterling	56
Advantages of fixing in gold; balance of advantage on side of fixing in gold...	57
Postponement of decision undesirable	58
Establishment of a stable relation between the rupee and gold at the rate of 10 rupees to one sovereign recommended	59
Replies to possible objections	60
Remittance to and from India: Council Drafts and Reverse Councils:—	
Extent to which Council Drafts should be sold; minimum rate	61
Reverse Councils should be readily available and include telegraphic transfers.	62

Digitized with financial assistance from
An initiative by
HDFC
WITH YOU, RIGHT THROUGH
FOUNDATION
on 10 January, 2019

CONTENTS—*contd.*

	Paragraphs.
Character and extent of Indian demand for precious metals.	63—64
Free import and export of gold advocated...	65
Use of gold as currency	66
Facilities for minting of sovereigns in India and refining gold recommended	67
Withdrawal of obligation to give rupees for sovereigns recommended.	68
Protection of existing holders of sovereigns and gold mohurs against loss from exchange of ratio	69
Removal of prohibition of import of silver recommended	70
Removal of import duty on silver recommended.	71
Retention of control over export of silver for the present recommended	72
Increased opportunities for saving and investment recommended.	73
Purchase of silver for coinage.	74
Paper Currency Reserve:—	
Principles underlying recommendations regarding note issue.	75—77
Minimum for metallic portion of reserve to be 40 per cent. of gross circulation.	78
Composition of fiduciary portion of reserve; revaluation of sterling investments and gold in reserve.	79
Limited powers of expansion in view of seasonal demand for currency	80
Location of reserve.	81
Facilities for encashment of notes	82
Gold Standard Reserve:—	
Amount of reserve.	83
Composition of reserve	84
Location of reserve.	85
Summary of conclusions	86

Minority Report by Mr. Dadiba Merwanjee Dalal, pages 36-51.